

THE NATIONAL ARCHIVES
LITTECA
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FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 12

NUMBER 233

Washington, Saturday, November 29, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

[Farm Credit Administration Order 467]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

APPROVAL OF LAND BANK COMMISSIONER LOANS TO LIVESTOCK CORPORATIONS

Section 3.10 *Approval of Land Bank Commissioner loans to livestock corporations*, of Title 6, Code of Federal Regulations, is hereby revoked.

(60 Stat. 532; E. O. 6084, Mar. 27, 1933, 6 CFR 1.1 (m) Memorandum No. 846, Sec. of Agric. Jan. 6, 1940)

[SEAL]

I. W. DUGGAN,
Governor.

NOVEMBER 21, 1947.

[F. R. Doc. 47-10504; File, Nov. 23, 1947; 8:51 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

EXTENSION OF ACTIVITIES TO VIRGIN ISLANDS

Part 300, General, in Chapter III of Title 6, Code of Federal Regulations (6 CFR Cum. Supp., Part 300) is amended by adding § 300.22 as follows:

§ 300.22 *Activities of the Farmers Home Administration in the Virgin Islands.* The State Director at San Juan, Puerto Rico, is authorized to perform the following functions with respect to the administration of the Farmers Home Administration program within the Virgin Islands: (a) Making and servicing Farm Ownership loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; (b) making and servicing of Production and Subsistence loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; and (c) debt adjustment activities under the Farmers Home Administration Act, as amended, for Production and Subsistence loans under Title II of the Bankhead-Jones Farm

Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration. This authority is in addition to that previously vested in the State Director, San Juan, Puerto Rico (12 F. R. 2765, 5431), shall include authorities delegated generally to State Directors of the Farmers Home Administration; and shall be exercised subject to applicable policies and procedures issued by the Administrator of the Farmers Home Administration. (60 Stat. 1062, P. L. 249, 80th Cong., Order, Secretary of Agriculture, October 14, 1946, 11 F. R. 12520, 7 CFR, 1946 Supp., page 524; Order, Secretary of Agriculture, October 30, 1947, 12 F. R. 7137.)

NOVEMBER 4, 1947.

[SEAL]

S. P. LINDSEY, Jr.,
Acting Administrator

Farmers Home Administration.

Approved: November 24, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-10569; Filed, Nov. 23, 1947; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[Quarantine No. 74]

PART 319—FOREIGN QUARANTINE NOTICES CUT FLOWER QUARANTINE

Under authority contained in section 5 of the Plant Quarantine Act of August 20, 1912 (37 Stat. 316; 7 U. S. C. 159), § 319.74-3 *Conditions governing the entry of cut flowers*, of the regulations issued by the Secretary of Agriculture, supplemental to the Cut Flower Quarantine, Notice of Quarantine No. 74 (12 F. R. 4253), is hereby amended to read as follows:

(c) Whenever, during the inspection of cut flowers imported in accordance with the regulations in this subpart, the inspector shall find them to be infected with an injurious insect or infected with an injurious plant disease, which can be

(Continued on p. 7931)

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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eliminated by a method of treatment selected by him in accordance with administratively authorized procedures known to be effective under the conditions applied, he may prescribe as a condition of entry that such treatment be applied by the importer or his agent, under the supervision of the inspector. All costs for such treatment, except for the services of the inspector, shall be borne by the importer or his agent. Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of such treatment on the cut flowers so treated. In lieu of treatment the importer of infested or infested cut flowers shall be given the option of immediately shipping them to a point outside the United States or abandoning them for immediate destruction.

(Sec. 5, 37 Stat. 316; 7 U. S. C. 159)
 Effective on and after December 30, 1947.

Done at the city of Washington this 24th day of November 1947.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-10577; Filed, Nov. 23, 1947; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 250]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.357 *Lemon Regulation 250—(a) Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order,

and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 50-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 69 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 30, 1947, and ending at 12:01 a. m., P. s. t., December 7, 1947, is hereby fixed at 250 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 249 (12 F. R. 7222) and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (43 Stat. 31, as amended; 7 U. S. C. 691 et seq.)

Done at Washington, D. C., this 26th day of November 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-10573; Filed, Nov. 23, 1947; 9:35 a. m.]

[Orange Reg. 206]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.352 *Orange Regulation 206—(a) Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges

RULES AND REGULATIONS

which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 30, 1947, and ending at 12:01 a. m., P. s. t., December 7, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, no movement; (b) Prorate District No. 2, unlimited movement; and (c) Prorate District No. 3, no movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, 1,600 carloads; (b) Prorate District No. 2, unlimited movement; and (c) Prorate District No. 3, 75 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 26th day of November 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. November 30, 1947, to 12:01 a. m. December 7, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

| Handler | Prorate base (percent) |
|-----------------------------------|------------------------|
| Total | 100.0000 |
| A. F. G. Lindsay | 2.7773 |
| A. F. G. Porterville | 2.1394 |
| A. F. G. Sides | .7911 |
| Ivanhoe Cooperative | .4600 |
| Doffmeyer, W. Todd & Son | .4812 |
| Elderwood Citrus Association | .8242 |
| Exeter Citrus Association | 2.9784 |
| Exeter Orange Growers Association | 1.2758 |

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

| Handler | Prorate base (percent) |
|---|------------------------|
| Exeter Orchards Association | 1.3204 |
| Hillside Packing Association, The | 1.7176 |
| Ivanhoe Mutual Orange Association | 1.0027 |
| Klink Citrus Association | 3.8962 |
| Lemon Cove Association | 1.4228 |
| Lindsay Citrus Growers Association | 2.6400 |
| Lindsay Coop Citrus Association | 1.3432 |
| Lindsay District Orange Co. | 1.5131 |
| Lindsay Fruit Association | 1.9623 |
| Lindsay Orange Growers Association | 1.1430 |
| Naranjo Packing House Co. | .8366 |
| Orange Cove Citrus Association | 3.0361 |
| Orange Cove Orange Growers Association | 2.4181 |
| Orange Packing Co. | 1.2714 |
| Orosi Foothill Citrus Association | 1.3362 |
| Paloma Citrus Fruit Association | .9811 |
| Pogue Packing House, J. E. | .5999 |
| Rocky Hill Citrus Association | 1.6322 |
| Sanger Citrus Association | 3.0524 |
| Sequoia Citrus Association | .8997 |
| Stark Packing Corp. | 2.2938 |
| Visalia Citrus Association | .8636 |
| Waddell & Son | 2.1289 |
| Butte County Citrus Association, Inc. | .5045 |
| Mills Orchard Co., James | .5941 |
| Orland Orange Growers Association, Inc. | .6227 |
| Andrews Edison Groves | .4975 |
| Baird-Neece Corp. | 1.7288 |
| Beattie Association, Agnes M. | .4816 |
| Grand View Heights Citrus Association | 2.2418 |
| Mangolia Citrus Association | 2.1189 |
| Porterville Citrus Association, The | 1.3138 |
| Richgrove-Jasmine Citrus Association | 1.4627 |
| Sandilands Fruit Co. | 1.4548 |
| Strathmore Coop. Association | 1.8167 |
| Strathmore District Orange Association | 1.7598 |
| Strathmore Fruit Growers Association | 1.1382 |
| Strathmore Packing House Co. | 1.8773 |
| Sunflower Packing Association | 2.1089 |
| Sunland Packing House Co. | 2.1673 |
| Terra Bella Citrus Association | 1.4614 |
| Tule River Citrus Association | 1.1088 |
| Vandalia Packing Association | .5611 |
| Kroells Brothers, Ltd. | 1.4625 |
| Lindsay Mutual Groves | 1.9745 |
| Martin Ranch | 1.2495 |
| Woodlake Packing House | 1.7474 |
| Abbate Co., The Charles | .2374 |
| Anderson, R. M., Packing Co. | .8646 |
| Baker Bros. | .1264 |
| Calif. Citrus Groves, Inc., Ltd. | 1.9229 |
| Chess Co., Meyer W. | .1539 |
| Edison Groves Co. | .6823 |
| Evans Bros. Packing Co. | 1.0844 |
| Exeter Groves Packing Co. | .7836 |
| Ghianda Ranch Association | .0178 |
| Harding & Leggett | 1.5584 |
| Justman Frankenthal Co. | .0790 |
| Lo Bue Bros. | .8302 |
| Marks, W. & M. | .4225 |
| Raymond Bros. | .1531 |
| R. M. C. Porterville | 2.1636 |
| Reimers, Don H. | .2064 |
| Rooke Packing Co., B. G. | 1.4992 |
| Toy, Chin | .0270 |
| Webb Packing Co., Inc. | .9714 |
| Wollenman Packing Co. | .7461 |
| Woodlake Heights Packing Corp. | .4609 |
| Zaninovich Bros. | .4486 |

Prorate District No. 3

| | |
|--------------------------------|----------|
| Total | 100.0000 |
| Allen-Young Citrus Packing Co. | 2.1230 |
| Consolidated Citrus Growers | 7.1849 |

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 3—Continued

| Handler | Prorate base (percent) |
|---|------------------------|
| McKellips Mutual Citrus Growers, Inc. | 7.0640 |
| McKellips Phoenix Citrus Co., Inc., C. H. | 9.2425 |
| Phoenix Citrus Packing Co. | 3.9570 |
| Arizona Citrus Growers | 19.7663 |
| Bumstead, Dale | .6246 |
| Chandler Citrus Growers Co., Inc. | 2.1895 |
| Desert Citrus Growers Co., Inc. | 4.5217 |
| Mesa Citrus Growers | 15.5545 |
| Yuma Mesa Fruit Growers Association | .2173 |
| Arizona Citrus Products Co. | 3.6350 |
| Libbey Fruit Packing | 3.9180 |
| Pioneer Fruit Co. | 4.7535 |
| Tempe Citrus Co. | 2.1888 |
| Commercial Citrus Packing Co. | 1.3639 |
| Dhuyvetter Bros. | .8932 |
| Ishikawa, Paul | .2510 |
| Leppia-Pratt Produce Distributors, Inc. | 7.8113 |
| Macchiaroli Fruit Co., James | .9268 |
| Morris Bros. Fruit Co. | .2683 |
| Orange Belt Fruit Distributors | 1.8140 |
| Potato House, The | .6755 |
| Valley Citrus Packing Co. | 1.3794 |

[F. R. Doc. 47-10578; Filed, Nov. 28, 1947; 9:36 a. m.]

Chapter XV—Administrator, Research and Marketing Act

PART 1900—ORGANIZATION, FUNCTIONS AND PROCEDURE

Part 1900 is added as follows:

SUBPART A—ORGANIZATION

Sec.

- 1900.1 Central organization.
1900.4 Delegations of authority.

SUBPART A—ORGANIZATION

§ 1900.1 *Central organization*—(a) *Administrator* The Administrator, Research and Marketing Act, is responsible for the coordination, general oversight, and development of the marketing policies and activities of the Department, and the integration of research, education and production programs in their relation to market activities. The Administrator also is responsible for maintaining relations with State agencies and other institutions cooperating in marketing, regulatory, and service programs; and for the general direction of activities under the Research and Marketing Act. The heads of agencies of the Department submit to the Administrator such proposals, reports, and other information as he requests.

(b) *Research and Marketing Advisory Group.* (1) The Administrator is Chairman of the Research and Marketing Advisory Group, which consists of the heads of the Agricultural Research Administration, Office of Experiment Stations—ARA, Soil Conservation Service, Bureau of Agricultural Economics, Forest Service, Production and Marketing Administration, Farm Credit Administration, Office of Foreign Agricultural Relations, Extension Service, and Rural Electrification Administration.

(2) The Administrator and the heads of the Agricultural Research Administration, the Production and Marketing

Administration, the Bureau of Agricultural Economics, and the Office of Experiment Stations constitute the Executive Committee of the Research and Marketing Advisory Group. (Sec. 3, 60 Stat. 238, 60 Stat. 1082; 5 U. S. C. Sup. 1002)

Note: Section 2100.4 *Research and Marketing Act* of Part 2100, Chapter XXI (12 F. R. 5484), is redesignated as § 1900.1, as set forth above.

§ 1900.4 *Delegations of authority.* Authority to execute cooperative agreements is redelegated to the heads or acting heads of bureaus, agencies and offices of the Department, for projects that have been approved by the Administrator, Research and Marketing Act. Such authority is subject to laws, regulations, requirements and procedures applicable to cooperative agreements. This confirms authority heretofore informally redelegated.

(Sec. 3, 60 Stat. 238, 60 Stat. 1082; 5 U. S. C. Sup. 1002)

Done at Washington, D. C., this 24th day of November 1947.

[SEAL] E. A. MEYER,
Administrator,
Research and Marketing Act.

[F. R. Doc. 47-10508; Filed, Nov. 28, 1947; 8:58 a. m.]

Chapter XXI—Organization, Functions and Procedures

**PART 2100—OFFICE OF THE SECRETARY
RESEARCH AND MARKETING FUNCTIONS**

CROSS REFERENCE: For transfer and redesignation of § 2100.4 *Research and Marketing Act*, as § 1900.1 *Central organization*, see Chapter XV, Part 1900 of this Title, *supra*.

TITLE 10—ARMY

Subtitle A—Organization, Functions and Procedures of the Department of the Army

PART 3—ORGANIZATION AND PROCEDURES OF CIVIL AFFAIRS DIVISION

**RESTITUTION OF IDENTIFIABLE PROPERTY;
LAW NO. 59**

1. Part 3, Subtitle A, Title 10, Code of Federal Regulations appearing at 11 F. R. 177A-800; 12 F. R. 2189 and 6997 is amended by the addition of §§ 3.75 to 3.92 as follows:

- Sec. 3.75 General provisions.
- 3.76 Confiscated property.
- 3.77 General provisions on restitution.
- 3.78 Limitations on the right to restitution.
- 3.79 Compensation and ancillary claims.
- 3.80 Continued existence of interests and liability for debts.
- 3.81 Claims of the restitutor for refund and indemnification.
- 3.82 General rules of procedure.
- 3.83 Filing of claims.
- 3.84 Judicial proceedings.
- 3.85 Special proceedings.
- 3.86 Assessment of costs.
- 3.87 Duty to report and penalties.
- 3.88 Re-establishment of rights of succession and adoption.

- Sec. 3.89 Reinstatement of trade names and names of associations.
- 3.90 Final provisions.
- 3.91 Regulation No. 1 under Military Government Law No. 59 (§§ 3.75 to 3.89).
- 3.92 Outline of information requested in a petition for restitution under Military Government Law No. 59 (§§ 3.75 to 3.90).
- 3.93 Regulation No. 2 under Military Government Law No. 59 (§§ 3.75 to 3.90).

AUTHORITY: §§ 3.75 to 3.93, inclusive, issued under sec. 3, 60 Stat. 238; 5 U. S. C. Sup. 1002).

§ 3.75 *General provisions—(a) Article 1, basic principles.* (1) It shall be the purpose of Law No. 59, as set forth in §§ 3.75 to 3.90, to effect to the largest extent possible the speedy restitution of identifiable property (tangible and intangible property and aggregates of tangible and intangible property) to persons who were wrongfully deprived of such property within the period from January 30, 1933 to May 8, 1945 for reasons of race, religion, nationality, ideology or political opposition to National Socialism. For the purpose of this law deprivation of property for reasons of nationality shall not include measures which under recognized rules of international law are usually permissible against property of nationals of enemy countries.

(2) Property shall be restored to its former owner or to his successor in interest in accordance with the provisions of this Law No. 59, even though the interests of other persons who had no knowledge of the wrongful taking must be subordinated. Provisions of law for the protection of purchasers in good faith, which would defeat restitution, shall be disregarded except where Law No. 59 provides otherwise.

§ 3.76 *Confiscated property—(a) Article 2; acts of confiscation.* (1) Property shall be considered confiscated within the provisions of this law if the person entitled thereto has been deprived of it, or has failed to obtain it despite a well-founded legal expectancy of acquisition, as the result of:

- (i) A transaction contra bonos mores, threats or duress, or an unlawful taking or any other tort;
- (ii) Seizure due to a governmental act or by abuse of such act;
- (iii) Seizure as the result of measures taken by the NSDAP, its formations or affiliated organizations;

Provided, The acts described in subdivisions (i) to (iii) of this subparagraph were caused by or constituted measures of persecution for any of the reasons set forth in Article 1 (§ 3.75 (a)).

(2) It shall not be permissible to plead that an act was not wrongful or contra bonos mores because it conformed with a prevailing ideology concerning discrimination against individuals on account of their race, religion, nationality, ideology or their political opposition to National Socialism.

(3) Confiscation by a governmental act within the meaning of subparagraph (1) (ii) of this paragraph shall be deemed to include, among other acts, sequestration, confiscation, forfeiture by order or operation of law, and transfer by order of the

State or by a trustee appointed by the State. The forfeiture by virtue of a judgment of a criminal court shall also be considered a confiscation by a governmental act, if such judgment has been vacated by order of an appropriate court or by operation of law.

(4) A judgment or order of a court, or of an administrative agency, which, although based on general provisions of law, was handed down solely or primarily with the purpose of injuring the party affected by it for any of the reasons set forth in Article 1 (§ 3.75 (a)) shall be deemed a specific instance of the abuse of a governmental act. The abuse of a governmental act shall also include the procurement of a judgment or of measures of execution by exploiting the circumstance that the opponent was, actually or by law, prevented from protecting his interests by virtue of his race, religion, nationality, ideology or his political opposition to National Socialism. The Restitution Authorities (Restitution Agency, Restitution Chamber and Oberlandesgericht) shall disregard any such judgment or order of a court or administrative agency whether or not it may otherwise be appealed or reopened under existing law.

(b) *Article 3; presumption of confiscation.* (1) It shall be presumed in favor of any claimant that the following transactions entered into between January 29, 1933, and May 8, 1945, constitute acts of confiscation within the meaning of § 3.76 (a).

(i) Any transfer or relinquishment of property made during a period of persecution by any person who was directly exposed to persecutory measures on any of the grounds set forth in § 3.75.

(ii) Any transfer or relinquishment of property made by a person who belonged to a class of persons which on any of the grounds set forth in § 3.75 was to be eliminated in its entirety from the cultural and economic life of Germany by measures taken by the State or the NSDAP.

(2) In the absence of other factors proving an act of confiscation within the meaning of § 3.76 (a) the presumptions set forth in subparagraph (1) of this paragraph may be rebutted by showing that the transferor was paid a fair purchase price. Such evidence by itself shall not, however, rebut the presumptions if the transferor was denied the free right of disposal of the purchase price on any of the grounds set forth in § 3.75.

(3) A fair purchase price within the meaning of this paragraph shall mean the amount of money which a willing buyer would pay and a willing seller would take, taking into consideration, in the case of a commercial enterprise, the normal good will which such enterprise would have in the hands of a person not subject to persecutory measures referred to in § 3.75.

(c) *Article 4; power of avoidance.* (1) Any transaction entered into by a person belonging to a class referred to in paragraph (b) (1) (ii) of this section within the period from September 15, 1935 (the date of the first Nuremberg laws) to May 8, 1945 may, because of the duress imposed on such class, be avoided by a claimant where such transaction involved the transfer or relinquishment of any property unless:

(1) The transaction as such and with its essential terms would have taken place even in the absence of National Socialism, or

(ii) The transferee protected the property interests of the claimant (§ 3.77 (a)) or his predecessor in interest in an unusual manner and with substantial success, for example, by helping him in transferring his assets abroad or through similar assistance.

(2) In determining under subparagraph (1) (i) of this paragraph whether the transaction would have taken place even in the absence of National Socialism, the fact that:

(i) The transferor himself offered to sell the property to the transferee, or

(ii) The transferor received a fair purchase price (see paragraph (b) (3) of this section) the free right of disposal of which was not denied him on any of the grounds set forth in § 3.75.

shall be considered by the Restitution Authority together with all other facts, but neither fact, either singly or in conjunction with the other, shall be sufficient to show that the transaction would have taken place even in the absence of National Socialism.

(3) Similarly neither of these facts, either singly or in conjunction with the other, shall be sufficient to show that the claimant is estopped from exercising the power of avoidance by reason of his own previous conduct or that of his predecessor in interest.

(4) The term "claim for restitution" as used in this Law No. 59, shall be deemed to include all claims based on the right to exercise the power of avoidance. The exercise of the power of avoidance shall have the effect that the property transferred or relinquished pursuant to the voided transaction shall for the purposes of this law be deemed to be confiscated property.

(5) The filing of a claim for restitution shall, whether or not it is specifically stated, be deemed to be an exercise of the right of avoidance on behalf of the person entitled to exercise such right.

(d) *Article 5, donations.* Where a person persecuted for any of the reasons set forth in § 3.75 has transferred property to another gratuitously within the period from January 30, 1933 to May 8, 1945, it shall be presumed that the transfer constituted a bailment or fiduciary relationship rather than a donation. This presumption shall not apply where the personal relations between the transferor and the recipient make it probable that the transfer constituted a donation based on moral considerations (Anstandsschenkung) no claim for restitution may be asserted in such cases.

(e) *Article 6; Bailment and fiduciary relationships.* (1) The provisions of §§ 3.77 to 3.81, inclusive, of this Law No. 59, shall not apply to bailments and fiduciary agreements entered into in order to prevent damage to property threatened for any of the reasons set forth in § 3.75 or to mitigate existing damage to property inflicted for such reasons.

(2) The claimant (§3.77) may at any time terminate contracts and any other arrangements described in subparagraph (1) of this paragraph, such termination

to be effective immediately, any contractual or statutory provisions to the contrary notwithstanding.

(3) It shall not be an admissible defense for the bailee or fiduciary that the contracts and agreements described in subparagraph (1) of this paragraph violated a statutory prohibition existing at the time of the transaction or enacted thereafter, or that a statutory or contractual form requirement had not been complied with: *Provided*, That this failure was attributable to the National Socialist regime.

§ 3.77 *General provisions on restitution—(a) Article 7 person entitled to restitution (hereinafter called claimant)* The claim for restitution shall appertain to any person whose property was confiscated (hereinafter called persecuted person) or to any successor in interest.

(b) *Article 8; successorship of dissolved associations.* (1) If a judicial person or unincorporated association was dissolved or forced to dissolve for any of the reasons set forth in § 3.75, the claim for restitution which would have appertained to such juridical person and unincorporated association had it not been dissolved, may be enforced by a successor organization to be appointed by Military Government.

(2) The provisions of subparagraph (1) of this paragraph shall not be applicable to the organizations referred to in paragraph (c) of this section.

(c) *Article 9; rights of individual partners.* If a partnership, company or corporation organized under the Commercial Law, was dissolved or forced to dissolve for any of the reasons set forth in § 3.75, the claim for restitution may be asserted by any associate (partner, member or shareholder) The claim for restitution shall be deemed to have been filed on behalf of all associates who have the same cause of action. The claim may be withdrawn or compromised only with the approval of the appropriate Restitution Authority. Notice of the filing of the claim shall be given to all other known associates or their successors in interest and to a successor organization competent according to paragraph (d) of this section. Within the limits of its authority the successor organization may represent in the proceedings any associate whose address is unknown, in accordance with the provisions of paragraph (e) of this section.

(d) *Article 10; successor organization as heir to persecuted persons.* A successor organization to be appointed by Military Government, shall, instead of the State, be entitled to the entire estate of any persecuted person in the case provided for in section 1936 of the Civil Code (Escheat of estate of person dying without heirs) Neither the State nor any of its subdivisions nor a political self-governing body will be appointed as successor organization. The same shall apply to other rights in the nature of escheat based on any other provision of law.

(e) *Article 11; special rights of successor organizations.* (1) If within six months after the effective date of this Law No. 59 no petition for restitution

has been filed with respect to confiscated property, a successor organization appointed pursuant to paragraph (d) of this section may file such a petition on or before December 31, 1948 and apply for all measures necessary to safeguard the property.

(2) If the claimant himself has not filed a petition on or before December 31, 1948, the successor organization by virtue of filing the petition shall acquire the legal position of the claimant. Only after that date, and not prior thereto, shall it be entitled to prosecute the claim.

(3) The provisions of subparagraphs (1) and (2) of this paragraph shall not apply if, and to the extent to which, the claimant, in the period from May 8, 1945 to December 31, 1948, has delivered a waiver of his claim for restitution, in writing and in express terms, to the restitutor, the appropriate Restitution Authority, or the Central Filing Agency.

(f) *Article 12; obligation of successors in interest to give information.* (1) If so ordered by the appropriate Restitution Authority a claimant who acquired the claim for restitution directly or indirectly from the persecuted person shall submit, if known to him, either the address of his predecessors in interest, in particular of the persecuted person, or of his heirs, or execute an affidavit to the effect that he does not know the present address or any data from which it might be ascertained.

(2) The successor organization appointed pursuant to paragraph (d) of this section shall submit the address of the person entitled to restitution, provided it is known to it, or such data known to it which might serve to locate this person, or an affidavit signed by its legal representative to the effect that it knows neither the address of the person entitled to restitution nor any data which might serve to locate this person.

(g) *Article 13; designation of successor organizations.* Regulations to be issued by Military Government will provide for the manner of appointment of successor organizations, their obligations to their persecutee charges, and any further rights or obligations they may have under Military Government or German law.

(h) *Article 14; persons liable to make restitution.* The person liable to make restitution (hereinafter referred to as restitutor) within the meaning of §§ 3.75 to 3.90, inclusive, is the present possessor of confiscated tangible property or the present holder of a confiscated intangible interest, or of an aggregate of tangible and intangible property.

(i) *Article 15; effect of an adjudication of a restitution claim.* (1) Unless otherwise provided in §§ 3.75 to 3.90, inclusive, a judgment directing restitution shall have the effect that the loss of the property shall be deemed not to have occurred and that after-acquired interests by third persons shall be deemed not to have been acquired.

(2) Any adjudication of a restitution claim shall be effective for and against any person who participated in the proceeding or who, being entitled to participate, was duly served.

(j) *Article 16; alternative claim for additional payment.* (1) If he relinquishes all other claims under §§ 3.75 to

3.90, inclusive, the claimant may demand, from the person who first acquired the property, payment of the difference between the price received and the fair purchase price of the property as defined in § 3.76 (b) (3). Proper interest shall be added to this amount in accordance with the provisions on profits contained in §§ 3.75 to 3.90, inclusive.

(2) The demand for payment shall not be permissible:

(i) After the property has been restored to the claimant by a judgment no longer subject to appeal; or

(ii) After the Restitution Agency or Chamber has rendered a decision on the merits; or

(iii) After the claimant and the restitutor have reached an amicable agreement with regard to the restitution claim.

(k) *Article 17 valuation.* (1) Where the value of property is relevant according to the provisions of §§ 3.75 to 3.90, inclusive, increases in the price caused by the decrease of the purchasing power of money shall not be considered an enhancement in the value.

(2) Future implementing regulations may provide for the valuation of property which, because not now determinable, is at present not subject to the property tax. The provisions of § 3.78 (j) (2) shall remain unaffected.

§ 3.78 *Limitations on the right to restitution—(a) Article 18; expropriation.*

(1) Confiscated property which, after the time of confiscation, was expropriated for a public purpose, or sold or assigned to an enterprise for the benefit of which the right of expropriation could be exercised, shall not be subject to restitution if on the effective date of Law No. 59 the property is still used for a public purpose, and if such purpose is still recognized as lawful.

(2) If property is not subject to restitution for the reasons set forth in subparagraph (1) of this paragraph, the present owner shall compensate the claimant adequately to the extent to which his claims pursuant to § 3.79 et seq. do not result in such compensation.

(b) *Article 19; protection of ordinary and usual business transactions.* Except as provided in paragraphs (c) and (d) of this section, tangible personal property shall not be subject to restitution if the present owner or his predecessor in interest acquired it in the course of an ordinary and usual business transaction in an establishment normally dealing in that type of property. However, the provisions of this paragraph shall not apply to religious objects or to property which has been acquired from private ownership if such property is an object of unusual artistic, scientific, or sentimental personal value, or was acquired at an auction, or at a private sale in an establishment engaged to a considerable extent in the business of disposing of confiscated property.

(c) *Article 20; money.* Money shall be subject to restitution only if at the time he acquired the money the restitutor knew or should have known under the circumstances that it had been obtained by way of confiscation.

(d) *Article 21, bearer instruments.*

(1) Bearer instruments shall not be subject to restitution if the present holder proves that, at the time he acquired the instrument, he neither knew nor should have known under the circumstances that the instrument had been confiscated at any time. Unless special circumstances indicate otherwise, good faith shall be presumed within the scope of this provision, if such property was acquired in the course of ordinary and usual business transactions, especially on the stock exchange, and if the transaction did not involve a dominant participation.

(2) The provisions of subparagraph (1) of this paragraph shall also apply to interests in bearer instruments deposited in a central account (Sammelverwahrung)

(3) Bearer instruments and interests in bearer instruments shall, however, be unconditionally subject to restitution if they represent:

(i) A participation in an enterprise with a small number of members, such as a family corporation; or

(ii) A participation in an enterprise the shares of which had not been negotiated on the open market; or

(iii) A dominant participation in an enterprise as to which it was known, generally or in the trade, that a dominant participation was held by persons who belonged to one of the classes described in § 3.76 (b) (1) (ii), or

(iv) A dominant participation in a business establishment which was registered under the Third Ordinance to the Reich Citizen Law (Reichsbürgergesetz) of June 14, 1938 (RGBl. I, p. 627).

(4) For the purpose of subdivisions (iii) and (iv) of subparagraph (3) of this paragraph, a participation shall be deemed to be dominant if it permitted the exercise of a considerable amount of influence upon the management of the business enterprise either by itself or on the basis of a working agreement which existed prior to or at the time of the confiscation.

(e) *Article 22; restitution in event of changes in the legal or financial structure of an enterprise.* If a participation of the type described in paragraph (d) (3) of this section, had been confiscated and if the enterprise had been dissolved or merged into, or consolidated with, or transformed into another enterprise, or had been changed in any other way in its legal or financial structure, or if its assets had been transferred wholly or in part to another enterprise, the claimant may demand that he be given an appropriate share in the modified or newly formed enterprise or in the enterprise which had acquired wholly or in part the assets of the original enterprise, thereby restoring as far as possible his original participation and the rights incident thereto.

(f) *Article 23; enforcement of the principles set forth in paragraph (e) of this section.* The Restitution Chamber shall take all measures necessary and appropriate to effectuate the rights granted to the claimant under paragraph (e) of this section, provided his claims under § 3.79 et seq. do not result in sufficient indemnification within the

purview of paragraph (e) of this section. To that end the Restitution Chamber shall order, if necessary, the cancellation, new issue or exchange of shares, participation certificates, interim certificates, and other instruments evidencing a participation; or the establishment of a partnership relationship between the claimant and the enterprise as described in paragraph (e) of this section, and it shall order the performance of any act required by law in order to effectuate those rights. These measures shall be taken primarily at the expense of those who are liable to make restitution according to the principles of this Law No. 59. If such measures would affect any other shareholder they shall be ordered only to the extent to which such other shareholder benefited directly or indirectly from the confiscation in connection with the facts as described in paragraph (e) of this section; or if the enterprise itself would be liable to make restitution or to damages under this Law or under the generally applicable rules of law, especially on the principle of respondent superior.

(g) *Article 24; other enterprises.* The provisions of paragraphs (e) and (f) of this section shall be applicable if the object of the confiscation was a business owned by an individual; or a participation in a partnership or a limited partnership; or a personal participation in a limited partnership corporation (Kommanditgesellschaft auf Aktien) or a share in an association with limited liability (Gesellschaft mit beschränkter Haftung) or in a cooperative; or a share of a similar legal nature.

(h) *Article 25; service.* Insofar as it may become necessary pursuant to paragraphs (e) to (g), inclusive, of this section to make service on any unknown associate or on any associate whose present address is unknown, service shall be made by publication pursuant to § 3.63 (G).

(i) *Article 26; delivery of a substitute in lieu of restitution.* (1) Where subsequent to the confiscation the object otherwise subject to restitution has undergone fundamental changes considerably enhancing its value, the Restitution Chamber may order the delivery of an adequate substitute in lieu of restitution; in determining the adequacy of the substitute the Restitution Chamber shall consider the value of the property at the time of the confiscation and the equitable interests of the parties. The claimant may, however, demand the assignment of an appropriate share in the property unless the restitutor offers a substitute of similar nature and of like value. The claimant may avail himself of the provisions of the first and second sentence above, even if the fundamental change did not result in a considerable enhancement of the value of the object.

(2) The restitutor shall not be entitled to benefits of the provisions of subparagraph (1) of this paragraph if he had acquired the object by way of an aggravated confiscation within the meaning of § 3.79 (b) or if he knew or should have known under the circumstances at the time the fundamental changes were made that the object at any time had

been obtained by way of an aggravated confiscation.

(3) Where the restitutor has combined the object subject to restitution with another object as an essential part thereof, he may separate the latter object and appropriate it. In this case, he shall restore the object to its former condition, at his own expense. Where the claimant obtained possession of the combined objects prior to the separation he shall be required to permit the separation; he may, however, withhold his consent unless security is given to save him harmless from any damage resulting from the separation. The restitutor shall not have the privilege of separation if he is not entitled to compensation for expenditures according to the provisions of this law or if he is indemnified at least for the value which the separable part of the object would have to him after separation.

(4) In determining whether property has been enhanced in value within the meaning of the first sentence of subparagraph (1) of this paragraph, only such enhancement in value for which the restitutor may claim compensation under the provisions of this law shall be taken into account.

(j) *Article 27 restitution of an aggregate of properties.* (1) The claimant may not limit his demand for restitution to separate items out of an aggregate of properties if the aggregate can be returned as a whole and if the limitation of the restitution to separate items would inequitably prejudice the restitutor or the creditors.

(2) The claimant may refuse to include in his petition any claim against a public agency falling within the scope of Article 1 of the Laws on Judicial Aid for the Equitable Settlement of Contracts, as uniformly enacted, with the consent of the Laenderrat, in Bavaria, Hesse, and Wuerttemberg-Baden, where such claims are among the assets of a commercial enterprise or of any other aggregate of property subject to restitution.

(k) *Article 28; protection of debtors.* Until notified of the filing of the petition for restitution, the debtor of a confiscated claim may discharge his obligation by payment to the restitutor. The same rule shall apply in favor of a debtor who prior to the entry in the Land Title Register (Grundbuch) of an objection to its correctness or a notice of restitution makes a payment to a restitutor entered in the Land Title Register.

§ 3.79 *Compensation and ancillary claims—(a) Article 29; subrogation.* (1) Upon request of the claimant, a former holder of confiscated property who would be liable to restitution if he were still holding it shall turn over any compensation or assign any claim for indemnification which he might have acquired in connection with the event preventing the return of such property. Whatever the claimant receives from one of several restitutors shall be credited against the claims he holds against the remaining ones.

(2) The same shall apply with respect to any compensation or any claim for compensation which the holder or former holder of confiscated property ac-

quired in connection with deterioration of such property.

(3) In case of the confiscation of a business enterprise the claim for restitution shall extend to the assets acquired after the confiscation, unless the restitutor shows that such assets were not paid for with funds of the enterprise. If the purchase was paid for out of the funds of the enterprise, a corresponding increase in the value of the business shall be deemed to constitute profits within the meaning of paragraphs (b) (d) and (e) of this section. This rule shall be applicable also to any other aggregate of property. If the purchase was not made with funds of the enterprise the restitutor shall have the privilege of separation as set forth in § 3.78 (1) (3) *Provided, however* That the claimant shall have the privilege of taking over the property pursuant to the third sentence of subparagraph (3) of § 3.78 (1) only if otherwise the operation of the enterprise would be hampered considerably.

(4) Any claims of the claimant pursuant to paragraph (b) et seq. of this section which are more extensive shall remain unaffected.

(b) *Article 30; strict liability.* (1) Any person who has obtained the confiscated property from the persecuted person through a transaction contra bonos mores or as the result of threats made by him or on his behalf, or by an unlawful taking or other tort (hereinafter referred to as aggravated confiscation) shall be liable under the general rules of the Civil Code governing tort liability for damages arising from failure to return such property on the ground of impossibility or from deterioration and also for surrender of profits and for any other indemnification provided therein.

(2) The possessor or former possessor of confiscated property shall be subject to the same liability if he knew or should have known under the circumstances (within the meaning of section 259 of the Penal Code) at the time he acquired the property that it had been obtained at any time by way of an aggravated confiscation.

(3) If the claimant is entitled to profits he may demand that they be computed on the basis of the usual rate of profits for that particular type of property, such rate to be specified by an implementing regulation, unless it is manifest in an individual case that these standard rules are substantially inappropriate.

(c) *Article 31, mitigated liability.* (1) Any holder or former holder of confiscated property who acquired the property by means of a confiscation not constituting an aggravated confiscation within the meaning of paragraph (b) (1) of this section (hereinafter referred to as simple confiscation) shall be liable in damages if he is unable to return the property or if it has deteriorated, unless he can prove that he has exercised due diligence.

(2) Any holder or former holder shall be similarly liable from the time when he knew, or should have known under the circumstances, that the property at any time had been obtained by way of a confiscation within the meaning of this law No. 59.

(3) Where real property or any interest in the nature of real property has been confiscated, a possessor or former possessor shall be liable according to subparagraph (1) of this paragraph, unless he shows that because of unusual circumstances he neither knew, nor should have known under the circumstances, that the property at any time had been obtained by way of confiscation within the meaning of this law.

(d) *Article 32; return of profits in case of simple confiscation.* (1) Any holder or former holder of confiscated property who at any time obtained such property by way of a simple confiscation shall pay the claimant adequate compensation for the period of time in which such holder enjoyed the profits of the property. Paragraph (c) (2) and (3) of this section, shall be applicable.

(2) The amount of the net profits of the property less the amount of an adequate remuneration for management of the property by the restitutor shall be deemed to be an adequate compensation. The remuneration for management shall not exceed 50% of the net profits drawn from the property, except where relatively small amounts are involved. Profits which the restitutor willfully diminished or neglected to draw shall be added. Taxes paid on the net income drawn from the property and the interest on the purchase price paid by the restitutor shall adequately be taken into consideration. Paragraph (b) (3) of this section shall be applicable.

(e) *Article 33; release from liability.* (1) A holder or former holder of confiscated property shall not be liable in damages if he is unable to return the property or because the property has deteriorated, nor shall he be liable to account for profits, as long as he neither knew, nor should have known under the circumstances, that the property at any time had been obtained by way of confiscation. The provisions of paragraph (c) (3) of this section shall remain unaffected.

(2) Profits which under rules of good husbandry are not to be regarded as income from such property shall be returned in any event, pursuant to the rules of the Civil Code on unjust enrichment.

(3) Under no circumstances shall remuneration for management be paid for a period for which the claimant cannot claim an accounting for profits.

(f) *Article 34, compensation for expenditures.* (1) Ordinary expenses for the maintenance of property subject to restitution shall not be refunded; they may, however, be taken into consideration in determining the net profits under paragraphs (a) and (b) of this section.

(2) For other necessary expenditures compensation may be demanded to the extent that such expenditures should not have been written off in the course of proper management of the confiscated property.

(3) For other than necessary expenditures the restitutor may demand compensation only to the extent that such expenditures should not have been written off in the course of proper management of the confiscated property and only to the extent to which the value of

the property is still enhanced by such expenditures at the time of the restitution. In this case the liability of the claimant shall be limited to the restituted property and any other compensation to which he is entitled under Law No. 59. The exercise of the claimant's privileges of limiting his liability shall be governed by sections 1990 and 1991 of the Civil Code.

(4) A person who at any time obtained the confiscated property by way of an aggravated confiscation may demand compensation only for necessary expenditures under the conditions set forth in subparagraph (2) of this paragraph and under the further condition that such expenditures were in the claimant's interest. The same rule shall apply to any holder or former holder of the confiscated property from the time when he knew, or should have known under the circumstances, that the property at any time has been obtained by way of an aggravated confiscation.

(5) Where the provision of § 3.78 (1) is found to be applicable, no compensation can be claimed for any expenditures which resulted in a fundamental change substantially enhancing the value of the property within the meaning of § 3.78 (i) (1).

(g) *Article 35; duty to furnish particulars.* The parties shall be liable to furnish particulars, where such information is necessary to affectuate claims under Law No. 59. Sections 259 to 261 of the Civil Code shall be applicable.

(h) *Article 36; title to increase.* The provisions of the Civil Code shall be applicable to the acquisition of title to the produce and other increase of confiscated property. Where the possessor or former possessor did not obtain the property by way of an aggravated confiscation, he shall be deemed to be the owner of the produce and other increase of the confiscated property, without prejudice, however, to his obligation to return any profits.

§ 3.80 *Continued existence of interests and liability for debts—(a) Article 37 continued existence of interests.* (1) Any interest in the confiscated property shall continue to be effective to the extent to which it existed prior to the act constituting the confiscation, and insofar as it has not been extinguished or discharged thereafter. The same shall apply to any interest created at a later date to the extent to which the total amount of all claims (principal and accessory claims) does not exceed the total amount of all such claims as they existed prior to the act constituting the confiscation (hereinafter referred to as limit of encumbrances). An interest which does not involve payment of money shall continue to be effective only where an interest of the same kind already existed prior to the confiscation and the interest subsequently created is not more burdensome than that existing at the time of the confiscation, or where such interest would have come into existence even though the property had not been confiscated.

(2) The limit of encumbrances shall be raised to the extent to which any interest of a third person results from

expenditures for which the restitutor may claim compensation pursuant to § 3.79 (f). Any other interest of a third person which exceeds the limit of encumbrances set forth in subparagraph (1) of this paragraph and which results from expenditures for which the restitutor cannot claim compensation pursuant to § 3.79 (f) shall be extinguished, unless at the time of the restitution the value of the object is still increased correspondingly as the result of the expenditure and the third person shows that he neither knew, nor should have known under the circumstances that the property had been obtained by way of an aggravated confiscation.

(3) Interests in the property subject to restitution which, in connection with the confiscation, had been created in favor of the claimant or his predecessor in interest shall continue to be effective irrespective of the limit of encumbrances. This shall be without prejudice to any claim of the claimant for the restitution of such interests in case they had been confiscated.

(4) Interests resulting from the conversion of the Home-Rent Tax, with the exception of overdue payments, shall continue to be effective, irrespective of the limit of encumbrances.

(b) *Article 38; devolving of encumbrances.* If real property has been encumbered by any transaction, legal act, or any governmental act constituting a confiscation within the meaning of this law, such an encumbrance shall devolve on the claimant and shall not be considered in computing the limit of encumbrances as provided in paragraph (a) of this section. This shall apply particularly to encumbrances which were entered in the Land Title Register (Grundbuch) in connection with the Capital Flight Tax, the Property Tax on Jews and similar enactments.

(c) *Article 39; personal liability.* If, prior to the confiscation of real property, the claimant or his predecessor in interest was personally liable in respect of any debt which was secured by a mortgage, land charge (Grundschuld) or annuity charge (Rentenschuld) on the real property, he shall assume personal liability at the time of recovery of title to the extent to which the mortgage, land charge or annuity charge continues to be effective under the preceding provisions. The same shall apply in case of obligations in regard to which the restitutor may demand to be released pursuant to § 3.79 (f) and section 257 of the Civil Code. The same shall apply also in the case of liabilities which continue to be effective according to the second sentence of subparagraph (1) of § 3.80 (a) and which replace charges for which the claimant or his predecessor in interest had been personally liable.

(d) *Article 40; demand for assignment.* (1) The claimant may demand the assignment to him, without compensation, of any mortgage, land charge or annuity charge against real property subject to restitution which is held by any holder or former holder of such property who at any time obtained the property by way of an aggravated confiscation. This shall not apply to the personal debt on which the mortgage is

based. Any interest created prior to the confiscation shall be subject to the provisions of § 3.81 (c) (3).

(2) The provisions of this paragraph shall not apply to encumbrances created pursuant to the provisions of this Law No. 59.

(e) *Article 41, liability for debts of a business enterprise.* (1) If the claimant recovers a business enterprise or another aggregate of properties, the creditors holding debts incurred in the operation of the enterprise or obligations with which the aggregate of properties has been encumbered may, from the time of the recovery, also assert against the claimant such claims as existed at such time.

(2) In this case the liability of the claimant shall be limited to the restituted property and any other compensation to which he is entitled under this Law No. 59. The claimant's privilege of limiting his liability shall be governed by sections 1990 and 1991 of the Civil Code.

(3) The claimant shall not be liable under subparagraphs (1) and (2) of this paragraph to the extent to which the total amount of liabilities exceeds the limit of encumbrances to be computed in an analogous application of paragraph (a) of this section, and insofar as the excess in the amount of liabilities is not covered by an excess of assets resulting from the application of § 3.79 (a) (3). In such case the Restitution Chamber, in its equitable discretion, shall take the requisite measures in analogous application of § 3.80 (a). Debts held by creditors who neither knew nor should have known under the circumstances that the business enterprise or other aggregate of properties at any time had been obtained by way of confiscation within the meaning of this law shall have preference. Liabilities of equal priority shall be reduced pro rata, if necessary.

(f) *Article 42; leases.* (1) If a restitutor or any former possessor has leased real property to a third person, the claimant may terminate the lease by giving notice, the termination to become effective on the date prescribed by law. Such notice cannot be given until the Restitution Authority has determined that the property is subject to restitution, and such determination is no longer subject to appeal, or until the fact that the property is subject to restitution has been acknowledged in any other way. The notice must be given within three months from such date, or from the date when the claimant in fact takes possession of the real property, if he takes possession at a later date.

(2) The provisions of the Law for the Protection of Tenants (Mieterschutzgesetz) in the version of December 15, 1942 (RGB1I, page 712) shall not apply to any restitutor or his predecessor in interest who obtained the property subject to restitution by way of an aggravated confiscation or who, at the time he acquired the property, knew, or should have known under the circumstances, that the property at any time had been obtained by way of an aggravated confiscation. The provisions of the Law for the Protection of Tenants shall also not apply insofar as the claimant is in need of adequate dwelling space for himself

or his close relatives. Similarly, the Law for the Protection of Tenants shall not apply if dwelling space, which at the time of the confiscation or of the filing of the petition for restitution was used in connection with the operation of a business enterprise subject to restitution, is needed for the continued operation of such enterprise. The provisions of the Law for the Protection of Tenants shall not be applicable to space used for commercial purposes if the claimant has a legitimate interest in the immediate return of such space.

(3) Leases entered into with the approval of Military Government may be canceled only with the consent of Military Government.

(g) *Article 43; employment contracts.* Irrespective of any contractual provision to the contrary, the claimant may terminate any existing employment contract made since the confiscation by the restitutor or any former holder of a business enterprise subject to restitution by giving notice as provided in a collective labor-agreement or in the absence thereof within the statutory period; this shall not prejudice the right of the claimant to terminate an employment contract for just cause without notice. Notice cannot be given until the Restitution Authorities have determined that the enterprise is subject to restitution and such determination is no longer subject to appeal, or until the fact that an enterprise is subject to restitution has been acknowledged in some other way. Such notice must be given within three months from such date, or from the time when the claimant in fact obtains possession of the enterprise, if he obtains possession at a later date.

§ 3.81 *Claims of the restitutor for refund and indemnification—(a) Article 44, obligation to refund.* (1) In exchange for the restitution of the confiscated property the claimant shall refund to the restitutor the consideration received by him, in kind if possible. This amount shall be increased by the amount of any encumbrance against the confiscated property existing at the time of confiscation and discharged thereafter, unless such encumbrance has been replaced by another encumbrance which continues to be effective, and unless the discharged encumbrance was created as the result of a confiscation within the meaning of this Law No. 59.

(2) Where several items of property were confiscated for a consideration consisting of a lump sum, but restitution takes place in regard to some of these items only, the lump sum shall be reduced pro rata, in the ratio which at the time of the confiscation existed between the lump sum and the value of those items to be restituted.

(3) If at the time of the confiscation the claimant, for any of the reasons set forth in § 3.75, did not obtain, wholly or in part, the power freely to dispose of the consideration received, the refund shall be diminished by a like amount. The claimant shall assign to the restitutor any claim for indemnification to which he may be entitled with respect to this amount.

(4) Under no circumstances shall the claimant be required to refund any

amount exceeding the value of the confiscated property at the time of restitution, less the value of the encumbrance recognized against the property.

(b) *Article 45; equitable lien.* The restitutor shall have no equitable lien (Zurueckhaltungsrecht) for his claims insofar as such lien would substantially delay the speedy restitution of the confiscated property. The same shall apply to any execution or attachment of the confiscated property based on any counterclaim.

(c) *Article 46; judicial determination of terms of payment.* (1) The Restitution Authorities shall determine the terms of payments to be made in connection with restitution, taking into consideration the purpose of this Law No. 59, the debtor's ability to pay, and existing statutory prohibitions and limitations on payments.

(2) In cases involving the restitution of real property and interests in the nature of real property, the claimant may demand that an adequate period not exceeding ten years be allowed for the payment of the refund and expenditures, *Provided*, That a refund-mortgage bearing 4% interest be executed on the property in favor of the restitutor. The terms shall be specified by the Restitution Authorities upon application.

(3) In cases provided for in § 3.79 (f) (3) and § 3.80 (a) (2) the Restitution Authorities shall determine the maturity dates of debts and the terms of payment in such a way that the restitution of the confiscated property will not be prejudiced under any circumstances nor its enjoyment by the claimant unduly impaired.

(d) *Article 47 claims for indemnification.* (1) Claims for indemnification which the restitutor may have against any of his predecessors in interest shall be governed by the rules of the Civil Law. The liability to make restitution shall be deemed to constitute a defect in title within the meaning of the Civil Code. Section 439, paragraph 1 of the Civil Code shall not be applicable.

(2) In case of restitution of real or tangible personal property, any claim provided in subparagraph (1) of this paragraph may be asserted not only against the original party to the contract but also against any predecessor in interest who was not in good faith at the time he acquired the property. Such predecessors in interest shall be liable as joint debtors. They shall not be liable, if the restitutor himself was not in good faith.

(e) *Article 48; lien of third persons on claims of the restitutor.* (1) Any interest in confiscated property which ceases to be effective pursuant to § 3.80 (a) shall remain a lien on any claim which the restitutor may have for payment of expenditures, refund of consideration and for indemnification under § 3.79 (f) and paragraphs (a) and (d) of this section; and on the proceeds which the restitutor obtains on the basis of such claims.

(2) This provision shall not apply in favor of such persons who by granting loans have aided an aggravated confiscation.

§ 3.82 *General rules of procedure—(a) Article 49; basic principles.* (1) The

restitution proceedings shall be conducted in such a manner as to bring about speedy and complete restitution. The Restitution Authorities may deviate in individual cases from procedural rules declared applicable by this law, if to do so will serve to accelerate restitution, provided that such deviation does not impair complete investigation of the facts or the legal right to a fair hearing.

(2) In ascertaining the facts of the case the Restitution Authorities shall bear fully in mind the circumstances in which the claimant finds himself as a result of measures of persecution for the reasons set forth in § 3.75. This shall particularly apply where the producing of evidence has been rendered difficult or impossible through the loss of documents, the death or unavailability of witnesses, the residence abroad of the claimant, or similar circumstances. Affidavits of the claimant and his witnesses shall be admitted. This shall apply even though the affiant died after signing the affidavit.

(b) *Article 50; right of succession and foreign law.* (1) Any person who bases any claim upon a right of succession on death must establish such right.

(2) Foreign law must be proved so far as it is unknown to the Restitution Authorities.

(c) *Article 51, presumption of death.* Any persecuted person, whose last known residence was in Germany or a country under the jurisdiction of or occupied by Germany or its allies and as to whose whereabouts or continued life after May 8, 1945 no information is available, shall be presumed to have died on May 8, 1945; however, if it appears probable that such a person died on a date other than May 8, the Restitution Authorities may deem such other date to be the date of death.

(d) *Article 52; safeguarding.* (1) The Restitution Authorities shall, if the situation so requires, safeguard confiscated property in a suitable manner. They may to that end issue temporary injunctions (einstweilige Veruegung) or restraining orders (Arrest) either upon their own motion or upon application. Such injunctions or orders shall be modified or vacated if the property can be safeguarded by any other measures than those taken, or if there is no further need for their continuation.

(2) The provisions of the Code of Civil Procedure on "Arrest und einstweilige Veruegung," as amended or as hereafter amended, shall be applicable.

(e) *Article 53; trustee.* (1) Where supervision of the confiscated property is necessary, a trustee shall be appointed provided no other authority exercises jurisdiction over such property.

(2) Unless provided otherwise by implementing regulation, the rules concerning the Administration of Blocked Property shall apply to the appointment and supervision of a trustee.

(f) *Article 54; jurisdiction of other authorities to take measures as set forth in paragraphs (c) and (d) of this section.* Where the safeguarding measures described in paragraphs (c) and (d) of this section are within the jurisdiction of another agency, the Restitution Authorities will request the appropriate agency to take such measures.

§ 3.83 *Filing of claims*—(a) *Article 55; Central Filing Agency.* (1) A Central Filing Agency for the filing of petitions for restitution will be established under regulations to be issued by Military Government.

(2) The Central Filing Agency shall transmit the petition to the appropriate Restitution Agency or Agencies.

(b) *Article 56; form requirements and period of limitation for filing claims.* (1) A petition for restitution pursuant to this law shall be submitted to the Central Filing Agency in writing on or before December 31, 1948. Details as to the form of filing will be provided in regulations to be issued by Military Government.

(2) The petition shall be substantiated by documents or affidavits.

(3) The petition may be effectively filed by any one of several co-claimants.

(4) Any petition, filed by a person who is not entitled to restitution of the property, shall be deemed to have been effectively filed in favor of the true claimant, or where paragraphs (b) (d) and (e) of § 3.77 are applicable, in favor of the successor organizations mentioned therein. The same shall apply to the filing of petition by any such successor organization.

(c) *Article 57; relation to other remedies.* Unless otherwise provided in this law, any claim within the scope of this law may be prosecuted only under the provisions and within the periods of limitation, set forth in this law. However, any claim based on tort, outside the scope of this law, may be prosecuted in the ordinary courts.

(d) *Article 58; contents of petition to be filed.* (1) The petition shall contain a description of the confiscated property. Time, place and circumstances of the confiscation shall be stated as exactly as is possible under the circumstances. If a claim is made for the payment of money, the sum demanded shall be specified if feasible; the basis for the claim shall be substantiated.

(2) So far as known to the claimant, the petition shall contain the name and address of the restitutor, the names and addresses of all persons having or claiming to have an interest in the property, lessees and tenants, if any, and a statement as to all encumbrances existing at the time of the confiscation of the property.

(3) The Central Filing Agency or the Restitution Authorities may request the claimant to supplement his petition by a statement containing the data set forth in subparagraphs (1) and (2) of this paragraph. They may further require the claimant to swear to his statement.

(4) If the claimant does not have his domicile or residence in one of the four Zones of Occupation of Germany or in the City of Berlin, and if he has not appointed there an attorney authorized to accept service of legal papers, he may nominate in his petition a person domiciled there authorized to receive such papers. If he fails to nominate such a person, the Restitution Agency shall do so and notify the claimant of the appointment.

(5) After a petition has been filed, a receipt shall be issued by the Central Filing Agency notifying the claimant of

the Restitution Agency or Agencies to which the petition has been transmitted pursuant to paragraph (a) (2) of this section.

(6) The period of limitation provided for in paragraph (b) (1) of this section shall be deemed to have been complied with by the filing of a written petition with the Central Filing Agency, although it is incomplete or in improper form.

(e) *Article 59; venue.* (1) Any petition for restitution shall be transmitted by the Central Filing Agency to the Restitution Agency of the district in which the property subject to restitution is located. If it appears that a petition has been transmitted to a Restitution Agency which lacks jurisdiction, such petition shall be referred by such Restitution Agency to the Restitution Agency having jurisdiction. The order of reference shall be binding on the agency to which the petition has been referred.

(2) An implementing regulation may provide for additional rules on venue, especially of claims for compensation and ancillary claims.

(f) *Article 60; jurisdiction of subject matter.* The Restitution Authorities shall have jurisdiction of the subject matter irrespective of whether under any other law a claim for restitution would come within the jurisdiction of any ordinary administrative, or other court, or whether no court whatsoever would have jurisdiction.

(g) *Article 61, notice of claim.* (1) The Restitution Agency shall give notice of the petition by formal service on the parties concerned requiring that an answer be filed within two months. Parties concerned shall be deemed the restitutor, persons holding interests in rem, lessees or tenants of the confiscated property, as well as any other person the claimant might demand to be joined in the proceedings. If the German Reich, a Land, a former Land, the former NSDAP or one of its formations or affiliated organizations is a party concerned, service shall be made upon the State Minister of Finance. In the cases described in sentence three the State shall be authorized to join the proceedings as a party in interest.

(2) Where the restitutor or his present address is unknown or where it appears from the petition that any unknown third person may have an interest in the confiscated property, the Restitution Agency shall cause the service by publication of the petition; the restitutor and the unknown third persons shall be requested thereby, within two months, to declare their interests together with proof thereof with the Restitution Agency. Service by publication shall be made pursuant to section 204, paragraph 2, of the Code of Civil Procedure as amended by Control Council Law No. 36 in the form prescribed for a summons. Service shall be deemed to be effective one month after publication in the periodical specified in section 204, paragraph 2, of the Code of Civil Procedure.

(3) Upon service of the petition the case shall be deemed to be pending (*rechtshängig*)

(4) When the claim for restitution affects real property or an interest in the nature of real property, the Restitution

Agency shall request that an entry in the Land Title Register be made to the effect that a claim for restitution has been filed. (Notice of restitution, *Rück-erstattungsvermerk*.) The notice of restitution shall be effective against any third person.

(5) The provisions of the Code of Civil Procedure concerning Third Party Practice shall be applicable.

(h) *Article 62; procedure before the restitution agency.* (1) If no objection has been raised against a petition within the time specified in the notice or in the service by publication, the Restitution Agency shall issue an order granting the petition. Where there is no dispute as to the limit of encumbrances and as to the continued existence of interests, it shall also make the appropriate findings on those matters.

(2) If, however, the claim for restitution does not state a cause of action, or the truth of any of the allegations contained therein is controverted by entries in public records or by public documents available to the Restitution Agency, the latter shall order the claimant to submit a statement within an appropriate period of time. The Agency shall dismiss the petition on the merits if the claimant does not submit within this period an explanation justifying his petition or supplementing the facts alleged therein.

(3) If an objection is made the Restitution Agency shall attempt to reach an amicable settlement unless the futility of such effort is evident. When an amicable settlement has been reached the Restitution Agency shall, on application, record the settlement in writing, and shall deliver a certified copy of the settlement to the parties concerned.

(i) *Article 63; reference to the court.*

(1) If an amicable agreement cannot be reached in whole or in part or if the measures to be taken are not within the power of the Restitution Agency, it shall refer the case to the extent necessary to the Restitution Chamber of the District Court having jurisdiction over the Restitution Agency. This shall apply in particular also to cases where only the limit of encumbrance, or the continued existence of interests or the liability for debts is disputed.

(2) Implementing regulations may confer jurisdiction on certain District Courts or on District Courts other than those specified in subparagraph (1) of this paragraph.

(3) The Restitution Agency may stay the proceedings for a period not exceeding six months before referring the case to the Restitution Chamber, if the claimant consents and an amicable agreement may be expected.

(j) *Article 64; appeal (Einspruch).*

(1) Any party to the case, by filing an appeal with the Restitution Agency, may appeal to the Restitution Chamber from a decision of the Restitution Agency rendered pursuant to the second sentence of subparagraph (1) of paragraph (e) or paragraph (h) (1) and (2) of this section; the period in which to file the appeal shall be one month; it shall be three months, if the appellant resides in a foreign country. The period to appeal shall begin to run with the service of the decision to be appealed from.

Paragraph (g) (2) of this section shall be applicable.

(2) The appeal may be based only on a violation of the second sentence of subparagraph (1) of paragraph (e) or paragraph (h) (1) or (2) of this section.

(k) *Article 65, execution.* Agreements recorded by the Restitution Agency and orders of the Restitution Agency which are no longer subject to appeal may be enforced by execution pursuant to the provisions of the Code of Civil Procedure. For this purpose, the Restitution Agency shall have the powers of a court (Vollstreckungengericht) In effecting execution, the Restitution Agency may avail itself of the services of other agencies, especially of the courts.

§ 3.84 *Judicial proceedings—(a) Article 66; members of the restitution chamber* The Restitution Chamber shall be composed of a Presiding Judge and two associate judges, eligible for the office of judge or for the higher Administrative Service. The Presiding Judge shall be a judge normally assigned to a court. The Associate Judges shall be appointed for a term of three years, unless they are professional judges. One of the three judges shall belong to a class of persons persecuted for any of the reasons set forth in § 3.75.

(b) *Article 67 procedure.* (1) The Restitution Chamber shall adjust the legal relations of the parties in interest according to the provisions of this law.

(2) Unless this law provides otherwise, the procedure shall be governed by the rules of procedure applicable in matters of noncontentious litigation, subject, however, to the following modifications:

(i) The Chamber shall order an oral hearing; the hearing shall be public.

(ii) The proceedings may be stayed for a period not to exceed six months, at the request of the claimant. Repeated stays may be granted after the case has been reopened

(iii) The Chamber shall render partial judgment on one or more of the claims before it, or on part of a claim, where the determination of any counterclaim, offset or equitable lien or any other defense in the nature of an offset or a counterclaim would substantially delay the decision on restitution.

(iv) Without prejudice to the final decision, the Chamber may order the temporary surrender of the confiscated property to the claimant either with or without security. In this case the claimant shall have, with respect to third persons, the rights and obligations of a trustee.

(c) *Article 68; form and contents of the decision.* (1) The decision of the Restitution Chamber shall be pronounced in an order supported by an opinion; the order shall be served on the parties concerned. Immediate execution may be had on this order, a subsequent appeal notwithstanding. The provisions of sections 713, paragraph 2, and sections 713-a to 720 of the Code of Civil Procedure shall be applicable.

(2) An appeal (sofortige Beschwerde) may be taken from this order within one month; the appeal may be filed within three months if the appellant resides

in a foreign country. The time to appeal shall begin to run from the date of service of the order; § 3.83 (g) (2) shall be applicable. The Civil Division of the Court of Appeals (Oberlandesgericht) shall hear the appeal. The appeal may be based only on the ground that the decision violated the law. The provisions of sections 551, 561 and 563 of the Code of Civil Procedure shall be applicable.

(3) Implementing regulations may confer jurisdiction to hear such appeals on a certain Court of Appeals.

(d) *Article 69; Board of Review.* A Board of Review shall have the power to review any decision on any claim for restitution under this Law No. 59 and to take whatever action is deemed necessary with respect thereto. Regulations to be issued by Military Government will provide for the appointment and composition of the Board, its jurisdiction, procedure, and such other matters as are deemed appropriate.

§ 3.85 *Special proceeding—(a) Article 70; petition by the public prosecutor* Where no petition for the restitution of confiscated property has been filed on or before December 31, 1948, the Public Prosecutor at the seat of the Restitution Chamber may file the petition for restitution on behalf of a successor organization provided for in § 3.77 (d) This provision shall not apply if the claimant has waived his claim for restitution in accordance with § 3.77 (e) (3) The petition of the Public Prosecutor must be filed on or before June 30, 1949.

(b) *Article 71, conflict of jurisdiction.*

(1) If claims as described in §§ 3.75 to 3.81 (e) inclusive, are asserted by a person entitled to restitution in a court proceeding including the stage of compulsory execution by way of complaint, defense or counterclaim, the Court shall notify the Restitution Agency. The Court may, and on request by the Restitution Agency must, stay the proceedings or temporarily suspend execution by an order from which no appeal may be taken. The Restitution Agency may direct that the claim be dealt with under this law to the exclusion of the jurisdiction of the ordinary civil courts, or it may authorize the claimant to prosecute his claim before the ordinary civil courts; such authorization shall be binding on the latter courts. If an action in the ordinary civil courts is terminated because the claim is being dealt with under this law, the court fees shall be remitted and neither party shall be entitled to costs incurred out of court.

(2) The Court shall report to the Central Filing Agency any action taken under subparagraph (1) of this paragraph.

§ 3.86 *Assessment of costs—(a) Article 72; costs.* (1) As a rule no court fees shall be assessed in favor of the State (Gerichtskosten) in proceedings before restitution authorities. However, implementing regulations may provide for the assessment of costs, fees and expenses.

(2) No advance payment, or bond or security for costs may be demanded from a claimant.

§ 3.87 *Duty to report and penalties—(a) Article 73; duty to report.* (1) Anyone who has, or has had in his possession, at any time after it was transferred by or taken from a persecuted person, any property which he knows or should know under the circumstances:

(i) Is confiscated property within the meaning of the provisions of § 3.76 (a), or

(ii) Is presumed to be confiscated property pursuant to the provisions of § 3.76 (a) (1) or

(iii) Has been at any time the subject of a transaction which may be avoided pursuant to the provisions of § 3.76 (c) (1) shall report this fact in writing to the Central Filing Agency on or before May 15, 1948.

The report to be filed hereunder shall show the exact circumstances under which the reporting person obtained possession of the property; it shall also contain the name and address of the person from whom the reporting person acquired the property as well as the consideration paid, and in case the property no longer is in his possession, the name of the person to whom the property was transferred.

(2) The following property need not be reported:

(i) Tangible personal property which had been acquired in the course of an ordinary and usual business transaction in an establishment normally dealing in that type of property, *Provided, however* That property acquired at an auction, or at a private sale in an establishment engaged to a considerable extent in the business of auctioning or otherwise disposing of confiscated property, must be reported;

(ii) Tangible personal property, the value of which did not exceed RM 1,000 at the time of the confiscation;

(iii) Donations made to close relatives (as defined in section 52, paragraph 2 of the Criminal Code) and donations which without doubt were made for moral consideration;

(iv) Property which has already been restituted and property as to which the claimant has relinquished his right of restitution expressly and in writing at any time between May 8, 1945 and the effective date of this law.

(3) No report filed pursuant to subparagraph (1) of this paragraph by any person shall be considered, in proceedings before a Restitution Authority, as an admission of the reporting party that the property so reported is subject to restitution or as a waiver of any defense he might have had if the report had not been filed. It shall be admissible, however, as an admission of the facts stated therein.

(4) The Central Filing Agency upon receiving a report under this paragraph shall forward a copy of the report to the appropriate Restitution Agency or Agencies in each district in which property affected by the report is situated. All reports filed pursuant to the provisions of this paragraph shall be open to inspection.

(b) *Article 74; obligation to inspect the land title register and other public regis-*

ters. (1) Anyone holding real property or an interest in the nature of real property, shall ascertain by inspection of the Land Title Register whether or not the property in question must be reported. The same shall apply with respect to other property interests which are recorded in any other public register.

(2) Whenever a public authority or any other public agency learns of the whereabouts of property which must be reported, it shall report such fact without delay to the Central Filing Agency. Paragraph (a) (4) of this section shall be applicable.

(c) *Article 75; penalties.* (1) Any person who:

(i) Intentionally or negligently fails to comply with his duty to report as set forth in paragraphs (a) and (b) of this section; or,

(ii) Knowingly makes any false or misleading statements to the Restitution Authorities,

shall be punished with imprisonment not exceeding five years, or a fine, or both, unless heavier penalties under any other law are applicable.

(2) No penalty shall be imposed in the case of subparagraph (1) (i) of this paragraph, where the report required by this law has been made voluntarily and prior to discovery.

(d) *Article 76; penalties (continued).*

(1) Whoever alienates, damages, destroys, or conceals any property coming under the provisions of this law in order to thwart the rights of a claimant, shall be punished with imprisonment not exceeding five years, or a fine, or both, unless heavier penalties under any other law are applicable.

(2) Confinement in a penitentiary up to five years may be imposed in especially serious cases.

(3) The attempt shall be punishable.

(e) *Article 77; penalties (continued)*

In the cases within the scope of paragraphs (c) and (d) of this section, nobody may plead ignorance of facts which he could have ascertained by the inspection of public books and registers, if and to the extent to which paragraph (b) of this section imposed on him the obligation of such inspection.

§ 3.88 *Re-establishment of rights of succession and adoption—(a) Article 78; exclusion from inheritance.* (1) An exclusion from the right of succession or the forfeiture on an estate which occurred during the period from January 30, 1933 to May 8, 1945 by virtue of a law or an ordinance for any of the reasons set forth in § 3.75 shall be deemed not to have occurred.

(2) The succession shall be deemed to have occurred at the effective date of this Law No. 59 for the purpose of determining the periods of limitation.

(b) *Article 79; avoidance of testamentary dispositions and of disclaimers of inheritance.* (1) Testamentary dispositions and contracts of inheritance made in the period from January 30, 1933 to May 8, 1945 in which any descendant, parent, grandparent, brother, sister, half-brother, half-sister, or their descendants, as well as a spouse, was excluded from inheritance for the purpose of avoiding a seizure of the estate by the

State, expected by the testator for any of the reasons set forth in § 3.75, shall be voidable. The power of avoidance shall be governed by sections 2000 et seq. or 2281 et seq. of the Civil Code, unless subparagraph (3) of this paragraph provides otherwise.

(2) Disclaimers of inheritance by persons described in subparagraph (1) of this paragraph shall be voidable, *Provided*, That such disclaimers were made within the period from January 30, 1933 to May 8, 1945 in order to prevent an expected seizure of the property by the State for any of the reasons set forth in § 3.75. The right of avoidance shall be governed by sections 1954 et seq. of the Civil Code, unless subparagraph (3) of this paragraph provides otherwise.

(3) Testamentary dispositions, contracts of inheritance or disclaimers of inheritance must be voided on or before December 31, 1946. The exercise of the power of avoidance within this period shall be deemed timely.

(c) *Article 80; testamentary disposition of a persecuted person.* (1) A testamentary disposition made between January 30, 1933, and May 8, 1945, shall be valid in spite of complete non-compliance with form requirements if the testator made such disposition in view of an actual or imaginary immediate danger to his life based on measures of persecution for any of the reasons set forth in § 3.75, and where the circumstances were such that he could not, or could not be expected to, comply with the statutory form requirements.

(2) Any testamentary disposition coming within the scope of subparagraph (1) of this paragraph shall be deemed not to have been made if the testator was still capable of making a testamentary disposition complying with the statutory form requirements after September 30, 1945.

(d) *Article 81, re-establishment of adoptions.* (1) If an adoption relationship was cancelled within the period from January 30, 1933, to May 8, 1945, for any of the reasons set forth in § 3.75, such relationship may be reinstated *nunc pro tunc* by a contract between the foster parent or his heirs and the child or his heirs. Sections 1741 to 1772 of the Civil Code, with the exception of sections 1744, 1745, 1747, 1752 and 1753, shall apply to the contract of reinstatement. A contract of reinstatement may be judicially confirmed even after the death of the parties to it. If one of the parties concerned is not available, a guardian (*Pfieger*) may be appointed to represent his interests in the proceedings to reinstate the adoption.

(2) Where an adoption was cancelled by decision of a court during the period from January 30, 1933, to May 8, 1945, for any of the reasons set forth in § 3.75, and if no facts have appeared which thereafter would have caused contracting parties to revoke the adoption on their own initiative, either party to the contract or his heirs may demand that the decision be vacated.

(3) The local court (*Amtsgericht*) which cancelled the adoption shall have jurisdiction in the cases set forth in subparagraph (2) of this paragraph. The principles of the fourth sentence of sub-

paragraph (1) of this paragraph shall be applicable. The decision of the court shall be discretionary and shall take into account the equities of the parties. When the cancellation of the adoption is vacated, the adoption shall be reinstated *nunc pro tunc*. The court may exclude the retroactive effect of its decision from certain parts thereof.

(4) No costs or fees shall be charged in these proceedings.

(5) The application for re-establishment of an adoption must be made on or before December 31, 1946.

(e) *Article 82; jurisdiction.* Any claims arising under paragraphs (a) (b) (c) and (d) of this section shall be decided by the ordinary civil courts. No filing with the Central Filing Agency is required.

§ 3.89 *Reinstatement of trade names and of names of associations—(a) Article 83; re-registration of cancelled trade names.* (1) Where a trade name was cancelled in the Commercial Register within the period from January 30, 1933 to May 8, 1945 after the business establishment had been closed for any of the reasons set forth in § 3.75, the cancelled trade name shall be re-registered on application if the business is reopened by its last owner, or owners, or their heirs.

(2) If the closed business establishment was conducted at the time of its discontinuation by a single owner, the last owner or his heirs shall be entitled to demand the re-registration of the cancelled trade name. If there are several heirs, and if not all of them participate in the resumption of the enterprise, the re-registration of the cancelled trade name may be demanded, provided the heirs who do not participate in the business assent to the resumption of the trade name.

(3) If at the time of its closing the business establishment was conducted by several personally liable partners, re-registration of the cancelled trade name may be demanded if all the personally liable partners establish a business enterprise or if one or several of them do so with the consent of the remaining ones; with respect to heirs of partners the principle of subparagraph (2) of this paragraph shall be applicable.

(b) *Article 84; change of trade name.* Where a trade name has been changed in the period from January 30, 1933 to May 8, 1945 for any of the reasons set forth in § 3.75, the former trade name may be restored upon the application of the person who owned the enterprise at the time the change was made or of his heirs, provided they now own the enterprise. The principles of paragraph (a) (2), second sentence, and paragraph (a) (3) of this section shall be applicable.

(c) *Article 85; names of corporations.* The principles of paragraphs (a) and (b) of this section shall be applicable to the trade names of corporations.

(d) *Article 86; reinstatement of trade names in other cases.* Whenever the use of the former trade name is essential for the purpose of full restitution, the Restitution Chamber may permit the reinstatement of a cancelled or changed trade name in cases other than those

provided for in paragraphs (a) to (c) inclusive, of this section.

(e) *Article 87 names of associations and endowments (Stiftungen)* Paragraph (d) of this section shall be applicable to the resumption of the name by an association or an endowment.

(f) *Article 88; procedure.* Applications for the registration in the Commercial Register of former trade names must be filed within the period provided for in this Law No. 59 for filing of claims for restitution. The Amtsgericht in its capacity as Court of Registry shall have jurisdiction over these applications except in the cases provided for in paragraph (d) of this section. Otherwise the procedure shall be governed by the rules of procedure applicable in matters of non-contentious litigation. No costs or fees shall be charged in these proceedings.

§ 3.90 *Final provisions*—(a) *Article 89; claims reserved to special legislation.* The reinstatement of lapsed interests arising out of insurance contracts and of lapsed copyrights and industrial rights (patents etc.) may be regulated by special legislation.

(b) *Article 90; statute of limitations.* To the extent to which the statute of limitations or prescriptive rights of the Civil Code might defeat any claim falling under this law, the statute of limitations or a prescriptive period shall not be deemed to have expired until six months after such cause of action arises by reason of operation of this law, but in no event prior to June 30, 1949.

(c) *Article 91, taxes and other levies.* (1) Taxes and other public levies shall not be imposed in connection with restitution.

(2) No taxes, including inheritance taxes, or other public assessments, fees or costs shall be refunded or subsequently levied in connection with the return of confiscated property.

(d) *Article 92; implementing and carrying-out provisions.* (1) The Restitution Agencies will be designated by implementing regulations.

(2) Unless otherwise provided in this law, or ordered by Military Government, the Minister President of each State or any Ministers designated by him, shall issue the legal and administrative regulations necessary for the implementation of this law.

(e) *Article 93; jurisdiction of German courts.* (1) German courts are hereby authorized to exercise jurisdiction in civil cases arising under this law against any stateless person having the assimilated status of United Nations displaced persons or against any national of the United Nations not falling within paragraph (f) (ii) (c) (d) and (e) of § 3.11.

(2) German Courts are hereby authorized to exercise jurisdiction in cases involving offenses against any of the provisions of paragraphs (a) to (e) inclusive, of § 3.87 of this Law No. 59 by persons not exempted from the jurisdiction of the German Courts under § 3.11 (f) (1) (i)

(f) *Article 94, official text.* The German text of this Law No. 59 shall be the official text and the provisions of paragraph 5 of Article II of Military Gov-

ernment Law No. 4, as amended, shall not apply.

(g) *Article 95, effective date.* This Law No. 59 shall become effective in Bavaria, Bremen, Hesse and Wuerttemberg-Baden on November 10, 1947. By order of Military Government. (Office of Military Government for Germany (U. S.))

§ 3.91 *Regulation No. 1 under Military Government Law No. 59 (§§ 3.75 to 3.90, inclusive).* Pursuant to paragraphs (a) and (b) of § 3.83, it is hereby ordered as follows:

(a) *Establishment of central filing agency.* (1) There is hereby established the Central Filing Agency (Zentralanmeldeamt) provided for in Article 56 of Military Government Law No. 59 (§ 3.83 (b)) the mailing address of which is:
Zentralanmeldeamt (Central Filing Agency), Bad Nauheim, Germany.

(2) This agency is hereby vested with all powers and responsibilities which the Central Filing Agency has under the provisions of Military Government Law No. 59 (§§ 3.75 to 3.90, inclusive)

(b) *Manner of filing claims for restitution.* (1) In order to facilitate the speedy handling of claims, the petition containing the claim for restitution should follow the outline set out in § 3.92. All information therein requested should be given, to the extent to which it is known, in exact and concise form.

(2) Where the claimant desires to give more extensive explanations, they should be added as numbered annexes to the petition, together with appropriate documents and affidavits.

(3) No printed forms need be used. The petition shall contain the required information in the order in which it is set forth in § 3.92 and each item thereof shall be given a number appearing on the left margin of the paper, corresponding to the number set forth in § 3.92. The sheets of paper on which the claim is typed should, for uniformity, be 8½ inches wide and between 11 and 13 inches long, or have dimensions as similar as possible. All copies should be typewritten on one side of the sheet only and shall be legible. A minimum of five copies of the petition and accompanying documents should be filed together with such additional copies as may be required for the service of one copy on each interested party to the proceeding. (See § 3.83 (g).)

(4) Since the Law will be administered by German agencies, the petition should be written in German, if possible; otherwise, the English language shall be used. Affidavits submitted in any other language shall be accompanied by a translation in German.

(5) Insofar as possible, a separate petition should be filed for each claim:

(i) Where more than one act of confiscation is the basis for the claims, or

(ii) Where the properties claimed are presently in more than one location.

(6) Original documents should not be filed but should be retained by the claimant until requested by the restitution authority. However, true copies or photocopies of pertinent documents should be attached to all claims filed. Pictures or drawings should be furnished, if possible, where they are necessary in

order to present an adequate description of the property.

(7) Each petition shall be dated and shall be signed by the claimant or by his duly authorized representative; if signed by a person other than the claimant, the power of attorney or other authorization of such person should accompany the claim.

(c) *Penalties for false claims.* Any person knowingly making false statements in connection with a claim for restitution under Military Government Law No. 59 (§§ 3.75 to 3.90) will be liable to punishment under Article II, Paragraph 33, of Military Government Ordinance No. 1 (See § 3.5 (b) (13))

(d) *Effective date.* This regulation shall become effective on November 10, 1947. By Order of Military Government.

§ 3.92 *Outline of information requested in a petition for restitution under Military Government Law No. 59 (§§ 3.75 to 3.90 inclusive)*—(a) *Information concerning the claimant, his attorney or agent, if any, and the persecuted person*—(1) *Information concerning the claimant.* (i) Last name, first name, and middle name (in full)

(ii) Permanent residence.

(iii) Present address.

(iv) Address to which correspondence with the claimant concerning this claim should be sent.

(v) Name and address of person within Germany who is authorized by the claimant to receive service of legal papers on his behalf. (See § 3.83 (d) (4).)

(vi) If claimant is not the persecuted person, state all facts on which claimant bases his right to succeed to claim of persecuted person. Attach copies of any pertinent documents. In the event that claim is based on an assignment, copies of the Military Government license authorizing such assignment should be attached.

(2) *Information concerning the agent of the claimant, if any.* (i) Last name, first name, and middle name (in full)

(ii) Address.

(iii) Nature of agency (attorney-at-law, attorney-in-fact, guardian, etc.) Attach copies of appropriate documents showing agency.

(3) *Information concerning persecuted person.* (i) Last name, first name, and middle name (in full)

(ii) Present address, if living.

(iii) Last known residence and address in Germany.

(iv) Residence and address at the time of the act of confiscation.

(b) *Information concerning property claimed*—(1) *Real property and interests in real property.* (i) Detailed description of real property or of interest therein.

(ii) Location of the property.

(iii) Description of entry of property in land title register (Grundbuch)

(2) *Business enterprises.* (i) Name and description of the business enterprise.

(ii) Location of the business enterprise,

(a) At the time of confiscation,

(b) If moved, present or last-known address and location.

(iii) Description of entry in the commercial register (Handelsregister).

(3) *Securities (bonds, shares, etc.).*
 (i) Give an exact description of the type, certificate number, etc., of the security. If an interest in or an obligation of an organization, give name and address of such organization.

(ii) Give location of the instrument at the time of the confiscation and present, or last-known location.

(4) *All other personal property* Give a detailed description of the property involved and all pertinent information with respect thereto, including location at the time of the confiscation and its present or last-known location.

(5) *All other property not heretofore mentioned.* Give a detailed description of the property involved and all other pertinent information with respect thereto, including, where relevant, location at the time of the confiscation and its present or last-known location.

(c) *Statement of facts concerning act of confiscation.*—(1) *Information concerning property prior to the time of the confiscation.* (i) Date of the acquisition of the property by the persecuted person.

(ii) Purchase price paid by the persecuted person.

(iii) Value of the property at the time of the acquisition described in subdivision (i) of this subparagraph.

(iv) State in detail facts concerning improvements or any accretions, depreciation, and other changes in value of the property prior to the act of confiscation.

(v) In case the claimant, at the time of the confiscation, was not the sole owner of the property claimed, state names, addresses, as well as legal nature, and percentage of interest of all other co-owners of the property.

(vi) Describe other rights and interests of third persons in the property, such as mortgages, liens, pledges, etc. Give all the facts and data concerning such persons, particularly names, addresses, as well as legal nature, extent and amount of their interests.

(2) *Information concerning the act of confiscation.* (i) Date and place of transaction which constituted the act of confiscation.

(ii) Give exact information as to the facts and circumstances by reason of which it is claimed that:

(a) A confiscation within the meaning of § 3.76 (a) occurred, or

(b) A presumption within the meaning of § 3.76 (b) arises, or

(c) The power of avoidance within the meaning of § 3.76 (c) arises. State clearly if the claim is based on more than one of these categories.

(iii) Purchase price specified at the time of the transfer of the property.

(iv) Any other terms specified at the time of the transfer of the property.

(v) Consideration received at the time of the transaction and subsequently thereto. State consideration paid or given by the transferee; specify the amounts, time and place of payments, to whom the amounts were paid, and all other pertinent circumstances.

(vi) State any restrictions placed upon the use by the persecuted person of the consideration paid or given by the transferee.

(vii) Did the consideration received constitute a fair purchase price within the meaning of § 3.76 (b)? If not, what would have been a fair purchase price? State basis of estimate.

(viii) Give all other pertinent information, particularly names and addresses of witnesses capable of testifying to the statements made in subparagraph (2) of this paragraph; attach copies of any pertinent evidentiary documents, etc.

(3) *Information concerning the property after the act of confiscation.* In instances where an accounting under the law is claimed, give all pertinent information showing the basis of such claim, including information with respect to profits, losses, accretions, improvements, deterioration, damage, loss, management, expenses, etc. Give all other pertinent information necessary for such accounting between the parties with names and addresses of witnesses capable of testifying to the statements made in this subparagraph; attach copies of pertinent evidentiary documents, etc.

(4) *Information with respect to the restitutor and all other parties to the proceedings, except the claimant.* (i) Give full names, present or last-known addresses, and extent of participation in, or knowledge of, the transaction or confiscation with respect to:

(a) The person who first acquired the property from the persecuted person, also, his address at the time of confiscation.

(b) All persons (except present holder) subsequently holding the property.

(c) The present or last-known holder.

(d) All other persons claiming an interest in the property (mortgagees, tenants, etc.)

(ii) Give all other pertinent information, particularly names and addresses of witnesses capable of testifying to the statements made in this subparagraph; attach copies of pertinent evidentiary documents, etc.

(5) *Other information.* Any other information deemed necessary to give a full statement of the petitioner's claim for restitution.

(d) *Prayer for relief.* (1) The Restitution Authority will not enter an order for restitution or other relief under this law unless the claimant sets forth, in a prayer, the relief sought, detailed in the manner in which he desires it to appear in the final order of the Restitution Authority. In setting forth the prayer for relief in this paragraph, the following information should be included:

(i) State whether, in lieu of all other claims for restitution, the claimant elects the remedy set forth in § 3.77 (j) and, if so, the amount claimed thereunder.

(ii) In case the remedy set forth in § 3.77 (j) is not elected, state with respect to each item of property listed in paragraph (b) of this section, and with respect to each person named in paragraph (c) (4), the specific relief sought, in particular:

(a) Whether, and to what extent, restitution in kind is requested?

(b) In case restitution in kind is not possible or in case of deterioration,

whether compensation is requested, and, if so, in what amount?

(c) Whether, and in what amount a claim is made for rents, use, profits, etc.?

(d) Whether and to what extent any other relief is sought under the provisions of this law.

(e) *Signature.*

I, We, hereby declare that all information given in the foregoing petition is to the best of my/our knowledge accurate, complete and true.

 Date Signature

§ 3.93 *Regulation No. 2 under Military Government Law No. 59 (§§ 3.75 to 3.90).* Pursuant to Articles 73 and 74 of Military Government Law No. 59 (§ 3.87 (a) and (b)) "Restitution of Identifiable Property" (See paragraph (b)) all persons holding certain property which may be subject to restitution under this law are required to file on or before May 15, 1948, a report concerning such property, with the Zentralanmeldeamt (Central Filing Agency), Bad Nauheim, Germany, as established by § 3.91. Pursuant to Articles 75, 76 and 77 of this law (paragraphs (c) (d) and (e) of § 3.87) (See paragraph (b)) penalties are provided for the failure of such persons to file such reports. Pursuant to § 3.20 (d) and in implementation of § 3.87 (a) and (b) thereof, it is hereby ordered as follows:

(a) *Manner of filing reports.* (1) The report should follow the outline set out in paragraph (c) of this section. All information required should be given in exact and concise form.

(2) When the reporting person desires to give more extensive explanations, they should be added as numbered annexes to the report together with appropriate documents and affidavits.

(3) No printed form need be used. The report should contain the required information in the order in which it is set forth in paragraph (c) of this section and each item thereof shall be given a number, appearing in the left margin of the paper, corresponding to the number set forth in paragraph (c) of this section. The sheets of paper on which the report is typed should, for uniformity, be 9 1/2 inches wide and between 11 and 13 inches long, or have dimensions as similar as possible. All copies should be typewritten on one side of the sheet only and shall be legible. The report shall be written in German; one original and two duplicate copies thereof shall be filed.

(4) Property in different locations should be reported separately.

(5) Each report should be dated and shall be signed by the person filing the report or by his duly authorized representative; if signed by a person other than the reporting person, the Power of Attorney or the authorization of such a person shall accompany the report.

NOTE: Effective date. This regulation shall become effective on November 10, 1947.

(b) *Appendix A; relevant sections from Military Government Law No. 59 (§§ 3.75 to 3.90) and from Regulation No. 1 (§ 3.91) issued thereunder.*

(Here will appear in the order shown)

(1) *From Law No. 59 (§§ 3.75 to 3.90)*

(i) § 3.76 (a)—Confiscated property (Article 2).

(ii) § 3.76 (1)—Presumption of confiscation (Article 3).

(iii) § 3.76 (c) (1)—Power of avoidance (Article 4).

(iv) § 3.87—Duty to report and penalties (Articles 73 to 77).

(2) *From Regulation No. 1* (§ 3.91)

(i) § 3.91 (a)—Establishment of central filing agency.

(c) *Appendix B; outline of information to be reported.*

(1) *Information concerning the person filing the report:*

(i) Last name, first name and middle name (in full).

(ii) Permanent residence.

(iii) Present address.

(iv) Address to which correspondence with the person filing this report should be sent.

(2) *Information concerning the agent, if any, of the person filing the report:*

(i) Last name, first name and middle name (in full).

(ii) Address.

(iii) Nature of agency (Attorney-at-Law, Attorney-in-Fact, Guardian, etc.). Attach copies of appropriate documents showing agency.

(d) *Information concerning property reported.*

(1) *Information concerning present holder and location of property reported:*

(i) State whether reporting person is present possessor of property.

(ii) If not, state full name and address of person presently in possession of property, if known.

(iii) Present location of property, if known.

(2) *Real property and interests in real property:*

(i) Detailed description of real property or of interest therein.

(ii) Location of the property.

(iii) Description of entry of property in Land Title Register (Grundbuch).

(3) *Business enterprises:*

(i) Name and description of the business enterprise.

(ii) Location of the business enterprise.

(a) At the time of the acquisition by the person reporting;

(b) Present or last known location.

(iii) Description of entry in the Commercial Register (Handelsregister).

(4) *Securities (bonds, shares, etc.)*

(i) Give an exact description of the type, certificate number, etc., of the security. If an interest in or an obligation of an organization, give name and address of such organization.

(ii) Give location of the instrument at the time it was acquired by the reporting person, and present or last known location.

(5) *All other personal property:* Give a detailed description of the property involved and all other pertinent information with respect thereto, including location at the time it was acquired by the reporting person, and present or last known location.

(6) *Any other property not heretofore mentioned:* Give a detailed description of the property involved and all other pertinent information with respect thereto, including location at the time it was acquired by the reporting person, and the present or last known location.

(e) *Statement of facts concerning acquisition of and disposal of property.*

(1) *Information concerning property at the time of the acquisition:*

(i) Date of the acquisition of the property by the reporting person.

(ii) Full name and address of the person from whom the property was acquired.

(iii) Exact circumstances under which the reporting person obtained possession of the property.

(iv) Purchase price specified at the time of the transfer of the property.

(v) Any other terms specified at the time of the transfer of the property.

(vi) What part of the purchase price or consideration was paid or delivered to third persons or agencies and under what circumstances.

(vii) Value of the property at the time of its acquisition.

(viii) In case the reporting person, during the time he held the property, was not the sole owner of the property, state names, addresses, as well as legal nature and percentage of interest of all other co-holders of the property.

(2) *Information concerning property subsequent to acquisition:*

(i) Give any facts deemed advisable concerning appreciation or depreciation in the value of the property during the time it was held by the reporting person, including any change in the status of encumbrances against the property.

(ii) If property was disposed of by reporting person, give name and address of person to whom it was transferred.

(iii) Date on which the property was transferred.

(iv) Purchase price paid by the transferee.

(v) Other pertinent terms of the contract of transfer.

(vi) Value of the property at the time of the transfer.

2. Add § 3.12b to Part 3, Subtitle A, 10 CFR, as follows:

§ 3.12b *General Authorization No. 2 issued pursuant to § 3.11.* (a) A General Authorization is hereby granted by Military Government pursuant to the provisions of paragraphs (c) (2) (e) (2) and (e) (3) of § 3.12 for the performance of any official act of the character described in paragraph (c) (1) of § 3.12, for the entry upon the Commercial Register, Register of Cooperatives, Register of Associations or Ship Register, as prescribed in § 3.12 (e) (2) and for the entry upon the Land Register or other public register as prescribed § 3.12 (e) (3) provided that such official act or register entry appear necessary or appropriate for the administration of Military Government Law No. 59, "Restitution of Identifiable Property," as set forth in §§ 3.75 to 3.90.

(b) This General Authorization shall not be deemed to constitute a license under the provisions of either Military Government Law No. 52, "Blocking and Control of Property," as set forth in § 3.15, or Military Government Law No. 53, "Foreign Exchange Control," as set forth in § 3.40.

(c) This General Authorization shall become effective on November 10, 1947. [Military Government for Germany (U. S.)]

[SEAL]

EDWARD F WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-10512; Filed, Nov. 28, 1947; 8:59 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-14]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

PROVISION FOR QUALIFIED PERSONNEL OTHER THAN THAT OF AIR CARRIER OPERATING AIRCRAFT TO SIGN CLEARANCE FORMS, LOAD AIRCRAFT, AND SIGN LOAD MANIFEST FORMS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of November 1947.

At the present time § 41.4060 of the Civil Air Regulations requires that the clearance and load manifest forms be signed by personnel of the air carrier and that the loading of the aircraft must be done by qualified personnel of the carrier. In some instances the carriers would benefit by the economic advantages which may be obtained from the consolidation of service facilities. The delegation of authority merely to sign clearances by the authorized aircraft dispatcher will in no way compromise safety, because such dispatcher remains responsible for the dispatch and continued supervision of the flight. In the case of the loading of the aircraft and the signing of the load manifest form, the responsibility for proper accomplishment of these functions remains with the air carrier operating the aircraft.

This amendment will permit the authorized aircraft dispatcher of the air carrier operating the aircraft to delegate the authority to sign the clearance form for a particular flight, and it will permit the air carrier to authorize qualified personnel other than that of the air carrier operating the aircraft to supervise the loading of the aircraft and to sign the load manifest form. It will also require the dispatch office of the air carrier, through the authorized dispatcher on duty, to maintain constant supervision of the flight as in § 61.71020 which applies to scheduled domestic operations.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR, Part 41, as amended) effective immediately:

1. By amending §§ 41.406 and 41.4060 to read as follows:

§ 41.406 *Maintenance release, clearance, and load manifest forms.* All maintenance release, clearance, and load manifest forms used shall be approved by the Administrator. The original copies of such forms shall be given to the first pilot and duplicate copies kept in the station file for at least 90 days.

§ 41.4060 *Preparation of maintenance release form.* A maintenance release

form shall be prepared for each aircraft delivered by the maintenance department to the operations department. This form must be signed by personnel of the air carrier charged with the duty of supervising the maintenance of the aircraft.

2. By adding new §§ 41.4061 and 41.4062 to read as follows:

§ 41.4061 *Préparation of clearance form.* A clearance form shall be prepared for each flight between specified clearance points. The information for such clearance shall be prepared by the authorized aircraft dispatcher of the air carrier operating the aircraft. This form shall be signed by the first pilot and by the authorized aircraft dispatcher only when both believe the flight may be made with safety. The authority to sign such clearance may be delegated for a particular flight by the authorized aircraft dispatcher, but the authority to dispatch cannot be delegated, and such dispatcher remains responsible for the dispatch and continued supervision of the flight.

§ 41.4062 *Preparation of load manifest form.* A load manifest form showing the loading of the aircraft shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the aircraft and the preparation of the load manifest forms, or by qualified persons authorized by the air carrier. The aircraft when loaded shall not exceed the center of gravity limits or maximum allowable weight limits set forth in the aircraft certificate for the particular aircraft.

(Sec. 205 (a) 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a) 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. G. MULLIGAN,
Secretary.

[F. R. Doc. 47-10525; Filed, Nov. 28, 1947; 8:50 a. m.]

[Reg. Serial No. 408]

PART 301—ORGANIZATION, DELEGATIONS OF AUTHORITY, AND PUBLIC INFORMATION

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of November 1947.

The Civil Aeronautics Board hereby amends Part 301 of the Regulations (14 CFR 301) as follows, effective immediately—

1. By amending § 301.1 (b) as amended (14 CFR 301.1 (b) (12 F. R. 4021) in its entirety to read as follows:

* * * § 301.1 *Description of organization.*

(b) *Principal offices and organization*—(1) *The Office of the Secretary.*

- (i) Personnel Section.
- (ii) Minutes Section.
- (iii) Office Service Section.
- (iv) Publications Section.
- (v) Public Information Section.
- (vi) Library.

(vii) Budget and Management Section.

(2) *The Office of the General Counsel.*

(i) Finance Legal Division.

- (a) Rates Section.
- (b) Carrier Relationships Section.
- (ii) Operations Legal Division.
- (a) Certificates and Permits Section.
- (b) Enforcement and Litigation Section.

(iii) International and Rules Division.

(3) *The Economic Bureau.* (i) Accounting and Rates Division.

- (a) Domestic Rates Section.
- (b) International Rates Section.
- (c) Accounts and Reports Section.
- (d) Audits and Investigation Section.
- (ii) Analyses Division.
- (iii) Foreign Air Transport Division.
- (iv) Operations Division.
- (v) Tariffs and Service Division.

(4) *The Safety Bureau.* (i) Safety Rules Division.

- (ii) Accident Investigation Division.
- (iii) Accident Analysis Division.
- (iv) International Standards Division.
- (5) *The Office of Hearing Examiners.*

(i) Economic Proceedings Division.

- (ii) Safety Enforcement Proceedings Division.
- (iii) Docket Section.
- (iv) Editorial Unit.

2. By adding a new § 301.2 (d) reading as follows:

§ 301.2 *Delegations of authority.* * * *

(d) *Institution of court proceedings.*

The Chief of the Enforcement and Litigation Section, Operations Division, Office of the General Counsel, is authorized, subject to the approval of the Assistant General Counsel, Operations, to institute and prosecute in the proper court, as agent of the Board, all necessary proceedings for the enforcement of subpoenas and for the enforcement of the provisions of the act or any rule, regulation, requirement, or order thereunder, or any term, conditions, or limitations of any certificate or permit, and for the punishment of all violations thereof.

(Secs. 205 (a) 1007, 52 Stat. 984, 1025; 49 U. S. C. 425, 647)

By the Civil Aeronautics Board.

[SEAL] M. G. MULLIGAN,
Secretary.

[F. R. Doc. 47-10526; Filed, Nov. 23, 1947; 8:50 a. m.]

[Reg. Serial No. 403]

PART 302—DESCRIPTION OF FUNCTIONS; COURSE AND METHOD BY WHICH FUNCTIONS ARE CHANNELLED; SCOPE AND CONTENTS OF DOCUMENTS

FUNCTIONS OF OFFICES AND BUREAUS; CHANNELLING OF FORMAL ECONOMIC PROCEEDINGS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of November 1947.

The Civil Aeronautics Board hereby amends Part 302 of the Regulations (14 CFR, 302) as follows, effective immediately:

1. By changing the words "trial examiner" or "trial examiners" to "hearing

examiner" or "hearing examiners" wherever such words appear in such part.

2. By deleting §§ 302.2 (b) (1) (iii) and 302.2 (b) (3) (vi)

3. By adding §§ 302.2 (a) (5), 302.2 (b) (4) and 302.2 (d) (4) and amending §§ 302.2 (b) (2) (ii) (v) and 302.2 (b) (3) (ii), (v) as follows:

§ 302.2 *Functions of Offices and Bureaus*—(a) *The Office of the Secretary.*

(5) *The Budget and Management Section.* The Budget and Management Section develops plans for the improvement of administration, organization, and procedure; develops progress reporting systems, manuals, and other administrative devices; controls expenditures and personnel ceilings; prepares the annual budget; and is responsible for budgetary and management control of the conduct of procedural, fiscal, organization, manpower, and workload studies.

(b) *The Office of the General Counsel.* * * *

(2) *The Finance Legal Division.* * * * (ii) Prepares or reviews drafts of orders.

* * * * * (v) Answers correspondence involving legal questions.

(3) *The Operations Legal Division.* * * *

(ii) Prepares or reviews drafts of orders.

* * * * * (v) Answers correspondence involving legal questions.

* * * * *

(4) *The International and Rules Division.* This Division performs the following duties:

(i) Prepares or reviews drafts and interpretations of the Economic Regulations.

(ii) Prepares or reviews drafts and interpretations of the Civil Air Regulations.

(iii) Prepares or reviews reports on pending legislation.

(iv) Prepares or reviews reports on matters of international air law and transportation, and represents the Board on various committees dealing with international matters. Participates in international conferences on legal matters when designated by the Air Coordinating Committee and the Department of State.

(v) Acts in a legal advisory capacity to the General Counsel and the Board in connection with the foregoing.

(vi) Participates in conferences with state aviation officials and agencies.

* * * * *

(d) *The Safety Bureau.* * * * * *

(4) *The International Standards Division* coordinates the views of governmental agencies and industry associations regarding proposed international standards; recommends appropriate action in the matter of conformity between the Civil Air Regulations and international standards; serves as United States representative and technical adviser at international conferences, and at technical division meetings of the Air Navigation Committee; and furnishes, to foreign nations, technical data relating to such international standards as are pat-

turned after the standards of this country.

(Sec. 205 (a) 52 Stat. 984; 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. E. Doc. 47-10527; Filed, Nov. 28, 1947;
8:50 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter IV—Southwestern Power Administration, Department of the Interior

PART 500—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

ESTABLISHMENT

- Sec.
500.1 Creation.
500.2 Purpose.
500.5 General description.

HEADQUARTERS ORGANIZATION

- 500.10 Administrator.
500.11 Staff offices.
500.12 Division of Operations.
500.13 Division of Engineering.
500.14 Division of Land.

FIELD ORGANIZATION

- 500.20 Division of Operations.
500.21 District offices.

LIST OF DELEGATIONS OF AUTHORITY

- 500.40 Purpose of list of delegations of authority.
500.41 Administrator.
500.42 Chiefs, Engineering & Operations Divisions.
500.43 Chief Counsel.

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

- 500.60 Inquiries and requests.
500.61 Location of headquarters organization.
500.62 Division of Operations.
500.63 District offices.

SUBPART B—PROCEDURE

- 500.100 Rates.
500.101 Market activities.

AUTHORITY: §§ 500.1 to 500.101, inclusive, issued under sec. 3, 60 Stat. 238; 5 U. S. C. Sup. 1002.

SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 500.1 *Creation.* The Southwestern Power Administration was created by the Secretary of the Interior in 1943 to market power from the Denison Dam Project and the Norfolk Dam Project. Subsequently the Administration was charged with the responsibility of marketing power produced in the Southwestern part of the United States by projects of the Corps of Engineers, United States Army.

§ 500.2 *Purpose.* The Administration's objectives are to market hydroelectric power at the lowest possible rates to consumers to encourage the widest possible use of its power and in so doing to provide market outlets by constructing, inter-connecting, operating, and

maintaining such transmission lines and substations as are necessary. The area of operation is the States of Arkansas and Louisiana, that part of Kansas and Missouri south of the Missouri River Basin and east of the 98th Meridian, and that part of Texas and Oklahoma lying east of the 99th Meridian and north of the San Antonio River Basin.

§ 500.5 *General description.* The Southwestern Power Administration consists of a Headquarters Staff at Tulsa, Oklahoma; an office at Washington, D. C., and a Texas-Louisiana Area Office at Denison, Texas. The Headquarters Office at Tulsa, Oklahoma, is made up of the Administrator and several staff and technical divisions.

HEADQUARTERS ORGANIZATION

§ 500.10 *Administrator.* The Administrator of the Southwestern Power Administration is the chief executive. He reports through the Division of Power to the Secretary of the Interior. The Office of the Administrator formulates plans and procedures for carrying out the objectives of the Administration, and directs its operation.

§ 500.11 *Staff offices.* The staff offices consist of the Division of Law for legal matters, including litigation, contracts and land acquisition; Division of Finance for budget, finance, accounting and auditing functions; Division of Administration and Personnel for property, office services and personnel functions.

§ 500.12 *Division of Operations.* The Division of Operations plans and directs the dispatching and transmission of power through the facilities of the Southwestern Power Administration and associate organizations; maintains transmission lines, substations and other facilities; performs all meter, relay, testing and communications functions.

§ 500.13 *Division of Engineering.* The Division of Engineering plans and performs design and engineering studies and surveys for transmission lines, substations and other facilities; supervises construction; and renders technical advice on operation and maintenance. It also supervises and directs sales activities and the development of markets and resources for power sales.

§ 500.14 *Division of Land.* The Division of Land performs all work necessary for acquisition of lands, maintains records and maps of land under jurisdiction of the Southwestern Power Administration and handles all claims arising from land acquisition.

FIELD ORGANIZATION

§ 500.20 *Division of Operations.* By reason of the return of the Grand River Dam Project to the State of Oklahoma and the Ark-La. line to the Ark-La Electric Cooperative, Inc., field offices used in connection with the operation and maintenance of these projects have been abolished. New field offices or depots will be established as construction work is completed on the several sections of the Norfolk-Denison tie line and various feeder lines.

§ 500.21 *District Offices.* The Texas-Louisiana Area Office is responsible for the activities of the Administration within the States of Louisiana and Texas and reports administratively to the Administrator and technically to the respective Divisions whose functions it performs in the field, including the development and maintenance of business and public relations necessary to the negotiations of power sales contracts and marketing functions.

LIST OF DELEGATIONS OF AUTHORITY

§ 500.40 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended as an index and outline. For the scope and limitations of particular delegations of authority, the specific regulations and orders to which cross references are made must be consulted.

§ 500.41 *Administrator.* The Administrator has been delegated authority to:

(a) Carry out the functions and duties assigned to the Secretary of the Interior by Executive Orders Numbers 9353, 9366, and 9373 (3 CFR, 1943 Supp., pp. 26, 35, 39) relating to the Denison Dam Project and the Norfolk Dam Project. See Order No. 1865 (8 F. R. 12142)

(b) Carry out the functions of the Secretary of the Interior relating to power generated at certain projects under the control of the War Department. See Order No. 2135 (10 F. R. 14527)

(c) Enter into certain contracts for construction, supplies, and services. See 43 CFR 4.100 (12 F. R. 4115)

§ 500.42 *Chiefs, Engineering and Operations Divisions.* The Chief of the Division of Engineering and the Chief of the Division of Operations, respectively, may too enter into certain construction contracts. See 18 CFR § 501.10 (12 F. R. 2050)

§ 500.43 *Chief Counsel.* The Chief Counsel may determine certain claims under the Federal Tort Claims Act. See 43 CFR 4.21 (12 F. R. 924)

PLACE TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 500.60 *Inquiries and requests.* Information concerning the policies and programs of the Administration, wholesale power rates, power contracts, procedure, availability of supply and construction plans may be obtained by addressing the Administrator, Southwestern Power Administration, Post Office Drawer 1619, Tulsa 1, Oklahoma. In Washington, D. C., information regarding policies, functions and operations of the Southwestern Power Administration may be obtained from Rooms 6328-6326, Department of the Interior Building. Inquiries regarding power contracts, including rates, availability of supply, and contracts which concern the Texas-Louisiana Area may be addressed to the Southwestern Power Administration, Munson Building, Post Office Box 336, Denison, Texas.

§ 500.61 *Location of headquarters or organization.* The Administrator of the Southwestern Power Administration and his staff are located in the Administration Building of the Government Aircraft Plant No. 3, located approximately nine miles northeast of Tulsa, Oklahoma. The Washington Office is located in Rooms 6326-6328, Department of the Interior Building.

§ 500.62 *Division of Operations.* The Division of Operations maintains no field offices or depots at the present time. As construction work on the Norfolk-Denison Tie Line and the feeder lines is completed and these lines are turned over to the Division of Operations, field offices and depots will be established for the operation and maintenance of these lines.

§ 500.63 *District offices.* The Administration maintains one District Office at Denison, Texas, known as the Texas-Louisiana Area Office.

SUBPART B—PROCEDURE

§ 500.100 *Rates.* Proposed rate schedules are initiated by the Power Distribution Sales and Contract Unit of the Division of Engineering. They are reviewed by the Controller, General Counsel, and the Assistant Administrator. Proposed rates are then submitted to the Administrator and, if he approves, are forwarded to the Secretary through the Division of Power. Rates approved by the Secretary are submitted by the Administrator to the Federal Power Commission for confirmation and approval pursuant to the requirements of the act of December 22, 1944 (Section 5, 58 Stat. 890; 16 U. S. C., Sup. 825s)

§ 500.101 *Marketing activities.* In marketing power, the Southwestern Power Administration negotiates power sales contracts with public bodies, cooperatives, privately owned utilities, the large industrial customers who take power in wholesale quantities and other Federal agencies. Contacts are made throughout the United States with potential industrial customers who indicate interest in establishing plants in the Southwest. All possible service leading to increased and more efficient use of power is rendered to customers or prospective customers.

Coordination of programs of power distribution and use is carried on in cooperation with other bureaus and agencies of the Department of the Interior, other Federal departments, and particularly with the Rural Electrification Administration.

Initial power marketing contacts are generally made by the Texas-Louisiana Area Office or the Power Distribution Sales and Contract Unit of the Division of Engineering. Power utilization by rural electric cooperatives, public bodies, and potential industrial customers is stressed in every possible way.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

NOVEMBER 21, 1947.

[F. R. Doc. 47-10494; Filed, Nov. 28, 1947; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and Public Law 16, 80th Cong., 1st Sess., 21 U. S. C., Sup. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215) and certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231) as amended, are hereby further amended as indicated below:

1. Section 141.7 is amended by adding the following new paragraph:

§ 141.7 *Penicillin in oil and wax.* * * *

(d) *Measurement of penicillin particle size.* Vigorously shake the container to obtain an even suspension of the penicillin particles and immediately withdraw therefrom approximately 0.5 ml of the drug into a clean, dry, tuberculin syringe using a dry 18 gauge needle. Discard approximately the first 5 drops of the mixture extruded from the needle and then extrude approximately 1 minim of the remaining mixture into a test-tube containing 3 to 4 ml of light mineral oil. Thoroughly mix the contents of the tube and by means of a bacteriological loop (2 mm inside diameter, 22 gauge wire), immediately place one loopful of the suspension on each ruled chamber of a bright line hemocytometer. (It is not necessary to use a cover slip.) Confirm by means of the low power objective of the microscope the even distribution of particles over the ruled areas of both chambers and repeat with another loopful of the suspension if even dispersion is not obtained.

Use a magnification of 430 or 440 diameters and a calibrated ocular micrometer to measure the penicillin particles. For the purposes of measurement and calculation, the predominant type of crystals observed shall be considered to represent the type of crystals present and the thickness and density of all particles shall be considered constant. Center a large penicillin particle in the microscopic field; measure the particle and all other particles in the field and repeat this operation on other fields until at least 200 particles are measured. Particles of less than 5 microns in length are disregarded. The grouping of the particles by length, the midpoint, the ratio of the midpoints, and the square of the ratio of the midpoints for each group are tabulated below:

| Group | Length in microns | Mil. Part | Ratio of mid-points | (Ratio) ² |
|--------|-------------------|-----------|---------------------|----------------------|
| 1..... | 5-11 | 9.5 | 1.00 | 1.00 |
| 2..... | 12-23 | 22.0 | 2.31 | 5.34 |
| 3..... | 24-49 | 57.5 | 4.16 | 17.31 |
| 4..... | 50-99 | 142.5 | 6.56 | 42.64 |
| 5..... | 100-199 | 347.5 | 8.57 | 73.45 |
| 6..... | 200-399 | 812.5 | 13.19 | 174.01 |
| 7..... | 400-799 | 1717.5 | 18.43 | 339.69 |
| 8..... | 800-1599 | 3712.5 | 23.63 | 558.37 |
| 9..... | 1600-3199 | 7717.5 | 29.92 | 895.41 |

Calculate the percent particles in each group from the total number measured. Determine the percent relative weight for each group as follows:

Plate type particles. Relative weight = (ratio) % of total particles in group.

$$\% \text{ relative weight} = \frac{\text{relative weight} \times 100}{\text{total relative weight}}$$

Rod shaped particles. In the case of rod shaped particles measure the width as well as the length.

Relative weight = ratio × average width % of total particles in group

$$\% \text{ relative weight} = \frac{\text{relative weight} \times 100}{\text{total relative weight}}$$

When examined by the method described in this section not less than 50 percent of the total relative weight of the penicillin in the drug consists of penicillin having a particle size of not less than 50 microns in length.

2. Section 146.25 (a) is amended by inserting the following statement between the first sentence, which ends with the words "is dispersed" and the second sentence, which begins with the words "Its potency": "If it is represented to be free-flowing, not less than 50 percent of the total relative weight of the penicillin in the drug consists of penicillin having a particle size of not less than 50 microns in length."

3. Section 146.25 (b) is amended by deleting the last sentence and substituting therefor the following sentences: "The quantity of penicillin in oil and wax in each such container shall be not less than one milliliter and not more than 20 milliliters, unless it is packaged for repackaging or is packaged and labeled solely for udder instillations of cattle. Unless it is packaged for repackaging each container shall be filled with a volume of penicillin in oil and wax in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated whether administered in either single or multiple doses."

4. Section 146.25 (c) (1) (iv) is amended to read:

(iv) The statement "For intramuscular use only"

5. Section 146.25 (c) (1) is amended as follows: Subdivision (v) is renumbered as subdivision (vi) and the following new subdivision is added between subdivisions (iv) and (vi)

(v) If it is represented to be free-flowing, the statements "Do not heat" and "Shake well"; and

6. Section 146.25 (d) (2) (i) is amended to read:

(i) The batch; potency, sterility, moisture, and if it is represented to be free-flowing, the particle size of the penicillin.

7. Section 146.25 (d) (3) (i) is amended to read:

(i) The batch; one package for each 500 packages in the batch, but in no case, less than three packages, except if it is represented to be free-flowing in which case not less than four packages, or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

8. Section 146.26 (c) (1) (iii) is amended to read:

(iii) The statement "Expiration date _____" the blank being filled in with the date which is 12 months after the month during which the batch was certified.

The foregoing amendments shall become effective on the sixtieth day after the date of publication of this order in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of a new penicillin-containing product, "penicillin in oil and wax, fluid" not to amend the labeling requirements of "penicillin in oil and wax" to provide more adequate directions for use, and not to extend the effective period of certification of "penicillin ointment" from nine to 12 months, beyond the 60-day period permitted for effecting these changes.

(52 Stat. 1040, as amended by 59 Stat. 463, and Pub. Law 16, 80th Cong., 1st Sess., 21 U. S. C. Sup. 357)

Dated: November 24, 1947.

[SEAL] OSCAR R. EWING,
Administrator

[F. R. Doc. 47-10493; Filed, Nov. 28, 1947; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.56]

PART 61—VISAS: DOCUMENTARY REQUIREMENTS FOR ALIENS ENTERING THE UNITED STATES

PRIORITY OF QUOTA IMMIGRANTS

Pursuant to the authority contained in R. S. 161 (5 U. S. C. 22) and in conformity with section 24 of the Immigration Act of 1924 (43 Stat. 116; 8 U. S. C. 222) Title 22, Part 61, § 61.313 (a) (3) (i) (a) of the Code of Federal Regulations (Departmental Regulation 108.12; 11 F. R. 8904, as amended by Departmental Regulation 108.34; 11 F. R. 14611), is hereby amended to read as follows:

§ 61.313 *Priority of quota immigrants.*
(a) * * *

(3) *Nonpreference.* * * *

(i) *First-priority nonpreference class.*

* * *

(a) Aliens who served honorably in the Armed Forces of the United States during the period which began on September 1, 1939, and ended on December 31, 1946, and the alien widows, parents, unmarried minor children, and the unmarried minor step-children, of citizens of the United States (including deceased citizens) who so served, and aliens who served honorably as seamen for at least one year on vessels of countries of the United Nations engaged in sailing to and from ports of the United States during the period beginning on September 1, 1939, and ending with the termination of hostilities on December 31, 1946, such persons not having voluntarily abandoned such service or occupation so long as they were not physically incapacitated for such service: *Provided*, That priority under this provision shall not be accorded a seaman unless he files a proper registration form as an intending immigrant at a consular office on or before December 31, 1947.

(R. S. 161, sec. 24, 43 Stat. 166; 5 U. S. C. 22, 8 U. S. C. 222)

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER. The publication of notice and the public procedure referred to in section 4 of the Administrative Procedure Act (60 Stat. 238) with respect to the substantive provisions of the regulation are not required because this regulation involves military and foreign affairs functions.

Approved: October 21, 1947.

ROBERT A. LOVETT,
Acting Secretary of State.

NOVEMBER 7, 1947.

Recommended, so far as the provisions of the Immigration Act of 1924 are concerned, by:

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-10510; Filed, Nov. 28, 1947; 8:51 a. m.]

TITLE 24—HOUSING CREDIT

Chapter I—Home Loan Bank Board

[No. 114]

PART 4—OPERATIONS OF THE BANKS

INVESTMENTS

NOVEMBER 24, 1947.

Resolved that § 4.1 *General powers* of the rules and regulations for the Federal Home Loan Bank System (24 CFR 4.1) is hereby amended by adding to subparagraph (1) of paragraph (b) *Investments required by subsection (g) of section (1) of the act* thereof, at the end of said subparagraph, the following new sentence: "The foregoing provisions of this subparagraph, the provisions of paragraph (c) and the provisions of subparagraph (1) of paragraph (d) of this section shall not apply to special series United States Treasury Notes, and authority is hereby given by the Home Loan Bank Board for any purchase or purchases of or other action or

actions with respect to special series United States Treasury Notes by or for the account of any Bank where approved by the Governor or by such person or persons as may be designated (1) by the Governor or (2) by, or pursuant to authority conferred by, the Home Loan Bank Board."

2. Resolved further that § 4.7 *Safe-keeping accounts* of the rules and regulations for the Federal Home Loan Bank System (24 CFR 4.7) is hereby amended by adding thereto at the end thereof the following new sentence: "Without regard to the foregoing provisions of this section, any special series United States Treasury Notes held by or for the account of any Bank may be held with the Treasurer of the United States or with such depository or depositories as may be designated by the Home Loan Bank Board."

The foregoing amendments are made in accordance with § 8.3 of the rules and regulations for the Federal Home Loan Bank System (24 CFR 8.3) whereunder the Home Loan Bank Board finds that notice and public procedure on said amendments are unnecessary because they are minor and technical amendments in which the public is not particularly interested. The foregoing amendments shall be effective November 29, 1947.

(Secs. 11, 16, 17, 47 Stat. 733, 736 as amended, sec. 503, 48 Stat. 1261, 60 Stat. 237; 12 U. S. C. 1431, 1436, 1437, 5 U. S. C. Sup. 1001 et seq., Reorg. Plan No. 3 of 1947, 12 F. R. 4981.)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 47-10513; Filed, Nov. 28, 1947; 9:00 a. m.]

Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

Amendment 9 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.¹ The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respects:

Schedule B is amended by incorporating items 10, 11 and 12 as follows:

10. Provisions relating to Clark County, Nevada, in the Las Vegas Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. The application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in Clark County with the exception of that part of Township 20, South encompassed by Ranges 60, 61, 62 East; that part of Township 21, South encompassed by Ranges 60, 61, 62 East; that part of Township 22, South encompassed by

¹ 12 F. R. 4302, 5423, 5457, 5609, 6027, 6680, 6923, 7111, 7630, 7825.

Ranges 61, 62, 63 East; and that part of Township 23, South encompassed by Ranges 63 and 64 East.

11. Provisions relating to Miami County, Indiana, in the Anderson Defense-Rental Area.

Decentral based upon the recommendation of the Local Advisory Board. The application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in Miami County.

12. Provisions relating to Yuba County and Butte County, California, in the Marysville-Chico Defense-Rental Area.

Decentral based upon the recommendation of the Local Advisory Board. The application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in that portion of Butte County described as follows:

All North and East of a line beginning at a point in the boundary line between Yuba and Butte Counties, California, between T 18 N, R S E and T 18 N, R G E, thence north in Butte County along the east lines of T 18 N, R S E, T 19 N, R S E and T 20 N, R S E to N E Corner of T 20 N, R S E; thence, west along north line of T 20 N, R S E to S E corner of T 21 N, R 4 E; thence north along east lines of T 21 N, R 4 E, T 22 N, R 4 E and T 23 N, R 4 E to the N E corner of T 23 N, R 4 E; thence, west along the north lines of T 23 N, R 4 E, T 23 N, R 3 E and T 23 N, R 2 E to the boundary line between Butte and Tehama Counties, California.

The application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in that portion of Yuba County described as follows:

All North and East of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of Township seventeen (17) North, Range six (6) East MDB&M and running thence West along said Township line to the southwest corner of said Township; then north along the west line of Townships seventeen (17) and eighteen (18) North, Range six (6) East to the point where said line intersects the line between Butte County and Yuba County.

2. Schedule A, Item 184, is amended to describe the counties in the defense-rental area under the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments as follows:

That portion of Clark described as that part of Township 20, South encompassed by Ranges 60, 61, 62 East; that part of Township 21, South encompassed by Ranges 60, 61, 62 East; that part of Township 22, South encompassed by Ranges 61, 62, 63 East; and that part of Township 23, South encompassed by Ranges 63 and 64 East.

3. Schedule A, Item 106, is amended to describe the counties in the defense-rental area under the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments as follows:

Indiana—Huntington and Wabash.
Indiana—Delaware, Grant, Howard, and Madison.

4. Schedule A, Item 31, is amended to describe the counties in the defense-rental area under the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments as follows:

California—Sutter and Yuba except that portion of Yuba described as follows:

All North and East of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of Township seventeen (17) North, Range six (6) East MDB&M and running thence West along said Town-

ship line to the southwest corner of said Township; then north along the west line of Townships seventeen (17) and eighteen (18) North, Range six (6) East to the point where said line intersects the line between Butte County and Yuba County.

California—Butte except that portion described as follows:

All North and East of a line beginning at a point in the boundary line between Yuba and Butte Counties, California, between T 18 N, R S E and T 18 N, R G E, thence north in Butte County along the east lines of T 18 N, R S E, T 19 N, R S E and T 20 N, R S E to N E Corner of T 20 N, R S E, thence, west along north line of T 20 N, R S E to S E corner of T 21 N, R 4 E; thence north along east lines of T 21 N, R 4 E, T 22 N, R 4 E and T 23 N, R 4 E to the N E corner of T 23 N, R 4 E; thence, west along the north lines of T 23 N, R 4 E, T 23 N, R 3 E and T 23 N, R 2 E to the boundary line between Butte and Tehama Counties, California.

This amendment shall become effective November 28, 1947.

Issued this 23th day of November 1947.

TIGHE E. WOODS,
Acting Housing Expediter.

Statement To Accompany Amendment 9 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

The Local Advisory Board for the Las Vegas Defense-Rental Area, Nevada, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decentral of Clark County with the exception of that part of Township 20, South encompassed by Ranges 60, 61, 62 East; that part of Township 21, South encompassed by Ranges 60, 61, 62 East; that part of Township 22, South encompassed by Ranges 61, 62, 63 East; and that part of Township 23, South encompassed by Ranges 63 and 64 East.

The Local Advisory Board for Anderson Defense-Rental Area, Indiana, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decentral of Miami County.

The Local Advisory Board for the Marysville-Chico Defense-Rental Area, California, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decentral of that portion of Butte County described as follows:

All North and East of a line beginning at a point in the boundary line between Yuba and Butte Counties, California, between T 18 N, R S E and T 18 N, R G E, thence north in Butte County along the east lines of T 18 N, R S E, T 19 N, R S E and T 20 N, R S E to N E Corner of T 20 N, R S E; thence, west along north line of T 20 N, R S E to S E corner of T 21 N, R 4 E; thence north along east lines of T 21 N, R 4 E, T 22 N, R 4 E and T 23 N, R 4 E to the N E corner of T 23 N, R 4 E; thence, west along the north lines of T 23 N, R 4 E, T 23 N, R 3 E and T 23 N, R 2 E to the boundary line between Butte and Tehama Counties, California.

And the said board has recommended the decentral of that portion of Yuba County described as follows:

All North and East of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of Township seventeen (17) North, Range six (6) East MDB&M

and running thence West along said Township line to the southwest corner of said Township; then north along the west line of Townships seventeen (17) and eighteen (18) North, Range six (6) East to the point where said line intersects the line between Butte County and Yuba County.

The Housing Expediter has found that these recommendations are approximately substantiated and are in accordance with applicable law and regulations, and is therefore issuing this amendment to effectuate these recommendations.

[P. R. Dec. 47-10594; Filed, Nov. 23, 1947; 11:03 a. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATION

Amendment 9 to the Controlled Housing Rent Regulation.¹ The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respects:

1. Schedule B is amended by incorporating items 10, 11 and 12 as follows:

10. Provisions relating to Clark County, Nevada, in the Las Vegas Defense-Rental Area.

Decentral based upon the recommendation of the Local Advisory Board. The application of the Controlled Housing Rent Regulation is terminated in Clark County with the exception of that part of Township 21, South encompassed by Ranges 60, 61, 62 East; that part of Township 22, South encompassed by Ranges 61, 62, 63 East; and that part of Township 23, South encompassed by Ranges 63 and 64 East.

11. Provisions relating to Miami County, Indiana, in the Anderson Defense-Rental Area.

Decentral based upon the recommendation of the Local Advisory Board. The application of the Controlled Housing Rent Regulation is terminated in Miami County.

12. Provisions relating to Yuba County and Butte County, California, in the Marysville-Chico Defense-Rental Area.

Decentral based upon the recommendation of the Local Advisory Board. The application of the Controlled Housing Rent Regulation is terminated in that portion of Butte County described as follows:

All North and East of a line beginning at a point in the boundary line between Yuba and Butte Counties, California, between T 18 N, R S E and T 18 N, R G E, thence north in Butte County along the east lines of T 18 N, R S E, T 19 N, R S E and T 20 N, R S E to N E corner of T 20 N, R S E; thence, west along north line of T 20 N, R S E to S E corner of T 21 N, R 4 E; thence north along east lines of T 21 N, R 4 E, T 22 N, R 4 E and T 23 N, R 4 E to the N E corner of T 23 N, R 4 E; thence, west along the north lines of T 23 N, R 4 E, T 23 N, R 3 E and T 23 N, R 2 E to the boundary line between Butte and Tehama Counties, California.

The application of the Controlled Housing Rent Regulation is terminated in that portion of Yuba County described as follows:

All North and East of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of Township seventeen (17) North, Range six (6) East MDB&M and running thence West along said Township line to the southwest corner of said Township; then north along the west line of

¹ 12 P. R. 4931, 5421, 5454, 5937, 6027, 6367, 6323, 7111, 7639, 7825.

Townships seventeen (17) and eighteen (18) North, Range six (6) East to the point where said line intersects the line between Butte County and Yuba County.

2. Schedule A, Item 184, is amended to describe the counties in the defense-rental area under the Controlled Rent Regulation for Housing as follows:

That portion of Clark described as that part of Township 20, South encompassed by Ranges 60, 61, 62 East; that part of Township 21, South encompassed by Ranges 60, 61, 62 East; that part of Township 22, South encompassed by Ranges 61, 62, 63 East; and that part of Township 23, South encompassed by Ranges 63 and 64 East.

3. Schedule A, Item 106, is amended to describe the counties in the defense-rental area under the Controlled Rent Regulation for Housing as follows:

Indiana—Huntington and Wabash.
Indiana—Delaware, Grant, Howard, and Madison.

4. Schedule A, Item 31, is amended to describe the counties in the defense-rental area under the Controlled Rent Regulation for Housing as follows:

California—Sutter and Yuba except that portion of Yuba described as follows:

All North and East of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of Township seventeen (17) North, Range six (6) East MDB&M and running thence West along said Township line to the southwest corner of said Township; then north along the west line of Townships seventeen (17) and eighteen (18) North, Range six (6) East to the point where said line intersects the line between Butte County and Yuba County.

California—Butte except that portion described as follows:

All North and East of a line beginning at a point in the boundary line between Yuba and Butte Counties, California, between T 18 N, R S E and T 18 N, R G E, thence north in Butte County along the east lines of T 18 N, R S E, T 19 N, R S E and T 20 N, R S E to N E Corner of T 20 N, R S E; thence west along north line of T 20 N, R S E to S E corner of T 21 N, R 4 E; thence north along east lines of T 21 N, R 4 E, T 22 N, R 4 E and T 23 N, R 4 E to the N E corner of T 23 N, R 4 E; thence west along the north lines of T 23 N, R 4 E, T 23 N, R 3 E and T 23 N, R 2 E to the boundary line between Butte and Tehama Counties, California.

◀ This amendment shall become effective November 28, 1947.

Issued this 28th day of November 1947.

TIGHE E. WOODS,
Acting Housing Expediter

Statement To Accompany Amendment 9 to the Controlled Housing Rent Regulation

The Local Advisory Board for the Las Vegas Defense-Rental Area, Nevada, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decontrol of Clark County with the exception of that part of Township 20, South encompassed by Ranges 60, 61, 62 East; that part of Township 21, South encompassed by Ranges 60, 61, 62 East; that part of Township 22, South encompassed by Ranges 61, 62, 63 East; and that part of Township 23, South encompassed by Ranges 63 and 64 East.

The Local Advisory Board for Anderson Defense-Rental Area, Indiana, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decontrol of Miami County.

The Local Advisory Board for the Marysville-Chico Defense-Rental Area, California, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decontrol of that portion of Butte County described as follows:

All North and East of a line beginning at a point in the boundary line between Yuba and Butte Counties, California, between T 18 N, R S E and T 18 N, R G E, thence north in Butte County along the east lines of T 18 N, R S E, T 19 N, R S E and T 20 N, R S E to N E Corner of T 20 N, R S E; thence, west along north line of T 20 N, R S E to S E corner of T 21 N, R 4 E; thence north along east lines of T 21 N, R 4 E, T 22 N, R 4 E and T 23 N, R 4 E to the N E corner of T 23 N, R 4 E; thence, west along the north lines of T 23 N, R 4 E, T 23 N, R 3 E and T 23 N, R 2 E to the boundary line between Butte and Tehama Counties, California.

And the said board has recommended the decontrol of that portion of Yuba County described as follows:

All North and East of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of Township seventeen (17) North, Range six (6) East MDB&M and running thence West along said Township line to the southwest corner of said Township; then north along the west line of Townships seventeen (17) and eighteen (18) North, Range six (6) East to the point where said line intersects the line between Butte County and Yuba County.

The Housing Expediter has found that these recommendations are appropriately substantiated and are in accordance with applicable law and regulations, and is therefore issuing this amendment to effectuate these recommendations.

[F. R. Doc. 47-10595; Filed, Nov. 28, 1947; 11:09 a. m.]

PART 851—ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

E. D. Dupree, Jr. is hereby designated to act as Housing Expediter during my absence on November 28, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Housing and Rent Act of 1947, or any other act of Congress or Executive Order, and all such powers, duties, and rights are hereby delegated to such officer for such period.

(P. L. 129, 80th Cong.)

Issued this 24th day of November 1947.

TIGHE E. WOODS,
Acting Housing Expediter.

[F. R. Doc. 47-10524; Filed, Nov. 28, 1947; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, Department of the Army

PART 201—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 47-9901, appearing on page 7287 of the issue for Friday, November 7, 1947, the original document has been corrected so that paragraph (e) of § 201.1 is redesignated "(g)" instead of "(f)"

Chapter IX—Office of Materials Distribution, Bureau of Foreign and Domestic Commerce, Department of Commerce

[Rubber Order R-1, As Amended Sept. 9, 1947, Amdt. *]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

MISCELLANEOUS AMENDMENTS

Part 4600, *Rubber Order R-1*, as amended September 9, 1947 (12 F. R. 6007) is hereby further amended as follows:

1. Section 4600.03a is amended to read as follows:

§ 4600.03a *Restrictions on consumption of natural rubber latex.* Natural rubber latex may be consumed in the manufacture of any product, subject only to the following individual product specifications:

Product. Latex foam seat cushions 2½" average thickness or less.

Specification. No cushion shall contain in RHO more than 50 percent natural rubber latex by weight.

2. List 8 of Appendix II is amended by changing the first sentence of footnote 1 to read as follows:

¹ *Tolerances.* Individual sizes may exceed the specified maximum percentage, provided the average natural rubber content of all tire sizes within a group as listed in this Table A does not exceed the indicated maximum percentage.

Issued this 25th day of November 1947.

OFFICE OF MATERIALS
DISTRIBUTION,
RAYMOND S. HOOVER,
Issuance Officer

[F. R. Doc. 47-10498; Filed, Nov. 28, 1947; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

ANACOSTIA BRIDGE, WASHINGTON, D. C.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), the regulations contained in § 203.330, governing the operation of the highway bridge of the District of Columbia across

the Anacostia River at 11th Street SE., Washington, D. C., are hereby modified as follows:

§ 203.330 *Anacostia River D. C., District of Columbia highway bridge at 11th Street SE., Washington.* (a) From 9:00 a. m. to 4:00 p. m. daily the draw of this bridge shall, upon proper signal, be opened promptly for the passage of any vessel or other watercraft not able to pass safely under the closed draw.

(b) Whenever a vessel unable to pass safely under the closed bridge desires to pass through the draw at any time between 4:00 p. m. and 4:00 a. m., notice of the time the opening is required shall be given to the draw tender at the bridge or other authorized representative of the owner of or agency controlling the bridge not later than 4:00 p. m.

(c) Whenever a vessel unable to pass safely under the closed bridge desires to pass through the draw at any time between 4:00 a. m. and 9:00 a. m., at least 12 hours' advance notice of the time the opening is required shall be given to the watchman at the bridge or other authorized representative of the owner of or agency controlling the bridge.

(d) Upon receipt of advance notice as specified in paragraphs (b) or (c) of this section the draw tender, watchman, or other authorized representative shall, in compliance therewith, arrange for the prompt opening of the draw upon proper signal at the time specified in the notice for the passage of the vessel or within a reasonable time thereafter; *Provided*, That from 6:45 a. m. to 9:00 a. m. and from 4:00 p. m. to 6:30 p. m. daily the draw shall not be required to open for the passage of vessels except vessels owned or controlled by the United States or the District of Columbia.

(e) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of these regulations together with a notice stating exactly how the draw tender, watchman, or other authorized representative may be reached by telephone or otherwise. [Regs. Nov. 13, 1947, CE 823 (Anacostia River, Washington, D. C., 11th St.)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-10495; Filed, Nov. 28, 1947; 8:49 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 261—TRESPASS

FREMONT NATIONAL FOREST, OREGON; REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on land in the Fremont National Forest in the State of Oregon; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established

permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551) and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order for the occupancy, use, protection, and administration of land in the Fremont National Forest, is issued:

Temporary closure from livestock grazing. (a) All land within the exterior boundary of the Fremont National Forest, west of the range line between ranges 14 East and 15 East, and south of the township line between townships 36 South and 37 South, is hereby closed for the period December 1, 1947 to April 15, 1948, to the grazing of horses, excepting those that are lawfully grazing on or crossing land pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Fremont National Forest is located.

(30 Stat. 35, 33 Stat. 628; 16 U. S. C. 551, 472)

Done at Washington, D. C., this 25th day of November 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-10333; Filed, Nov. 23, 1947; 8:51 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 782-A]

PART 95—CAR SERVICE

McKINNEY GRAIN CO. EMBARGO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of November A. D. 1947.

Upon further consideration of Service Order No. 782-A (12 F. R. 6926, 7813) and good cause appearing therefor: It is ordered, that:

Service Order No. 782 (codified as 49 CFR § 95.782) *Shipments to, from, for or by the McKinney Grain Company be embargoed*, be, and it is hereby, suspended until 11:59 p. m., April 30, 1948.

It is further ordered, that this amendment shall become effective 12:01 a. m., November 26, 1947, and copies of this or-

¹This affects tabulation contained in 39 CFR, § 261.50.

der shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, secs. 402, 418, 41 Stat. 475, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARREL,
Secretary.

[F. R. Doc. 47-10532; Filed, Nov. 23, 1947; 8:50 a. m.]

[S. O. 735]

PART 95—CAR SERVICE

UNIVERSAL MACHINERY AND L. J. COHEN EMBARGOED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of November A. D. 1947.

It appearing, That L. J. Cohen, Universal Machinery Inc., and Consolidated Machine Co., Minneapolis, Minn., have persistently and are now holding loaded freight cars an unreasonable time before unloading them; that such practices are impeding the use of freight cars, thus contributing to the existing general shortage of such cars; in opinion of the Commission an emergency requiring immediate action exists at Minneapolis and St. Paul, Minn. It is ordered, that:

§ 95.795 *Shipments to, or for L. J. Cohen be embargoed.* (a) The Chicago, Burlington & Quincy Railroad Company, The Chicago Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees) Chicago Great Western Railway Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Chicago, Saint Paul, Minneapolis and Omaha Railway Company, Great Northern Railway Company, The Minneapolis & St. Louis Railway Company, The Minnesota Transfer Railway Company, Northern Pacific Railway Company, Minneapolis, St. Paul & Sault Ste. Marie Railroad Company, Minneapolis, Anoka and Cuyana Range Railroad Company, Minneapolis Eastern Railway Company, Minneapolis, Northfield and Southern Railway and the Minnesota Western Railway Company shall not accept from shippers or connecting railroads a loaded freight car or cars consigned or reconsigned direct to, or advise L. J. Cohen, Universal Machinery, Inc., and Consolidated Machine Co., nor shall said named carriers deliver or place for delivery such car or cars consigned or reconsigned direct to, or advise L. J. Cohen, Universal Machinery, Inc., and Consolidated Machine Co., its agents or employees at any point or station within the switching limits of Minneapolis or St. Paul, Minn.

(b) *Special and general permits.* This section shall be subject to any special or general permits issued by the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., authorizing a departure therefrom.

(c) *Effective date.* This section shall become effective at 6:00 p. m., December 1, 1947.

(d) *Expiration date.* This section shall expire at 11:59 p. m., April 5, 1948, unless modified, changed, suspended, or annulled by order of the Commission.

It is further ordered, that copies of this order and direction shall be served upon the railroads specified in paragraph (a) of this section and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C.,

and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, secs. 402, 418, 41 Stat. 475, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 47-10501; Filed, Nov. 28, 1947; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 966]

ORANGES GROWN IN CALIFORNIA AND ARIZONA

GENERAL NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF BUDGET OF EXPENSES AND FIXING OF THE RATE OF ASSESSMENT FOR 1947-48 FISCAL YEAR

California or the State of Arizona, as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed \$219,912.00 will be necessarily incurred during the fiscal year November 1, 1947 to October 31, 1948, for the maintenance and functioning of the committee under the aforesaid order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles oranges shall pay in accordance with the aforesaid order during the aforesaid fiscal year, the rate of assessment at \$0.007 per packed box of oranges, or an equivalent quantity of oranges, handled by him as the first handler thereof during said fiscal year.

Consideration is being given to the following proposals submitted by the Orange Administrative Committee established under Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 966.1 et seq.)

Issued this 24th day of November 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-10503; Filed, Nov. 28, 1947; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1851514]

ARIZONA

NOTICE OF FILING OF PLAT OF SURVEY ACCEPTED MAY 16, 1945

Correction

In Federal Register Document 47-10190, appearing on page 7816 of the issue for Wednesday, November 19, 1947, the date "January 12, 1848," referred to in paragraph (b) should read "January 12, 1948."

Bureau of Reclamation

CENTRAL VALLEY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

OCTOBER 23, 1947.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388)

CENTRAL VALLEY PROJECT, CALIFORNIA

MOUNT DIABLO MERIDIAN

- T. 33 N., R. 2 W.,
Sec. 8, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 18, SE $\frac{1}{4}$.
T. 34 N., R. 3 W.,
Sec. 8, all;
Sec. 10, Lots 1 to 5, incl., NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.
Sec. 18, all.
T. 35 N., R. 3 W.,
Sec. 18, all.
T. 33 N., R. 4 W.,
Sec. 12, all.
T. 35 N., R. 4 W.,
Secs. 2, 4, 10 and 12, all;
Sec. 14, E $\frac{1}{2}$,
Sec. 20, SW $\frac{1}{4}$,
Sec. 22, SW $\frac{1}{4}$,
Sec. 34, all.
T. 36 N., R. 4 W.,
Secs. 10, 12, 14, 18, 20, 22, 24 and 26, all;
Sec. 30, Lots 1, 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 34, all.
T. 33 N., R. 5 W.,
Sec. 20, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
except patented mineral claims.
T. 34 N., R. 5 W.,
Sec. 8, N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 20, all, except patented mineral claims;
Sec. 28, W $\frac{1}{2}$, except patented mineral claims;

Sec. 30, all, except patented mineral claims;

Sec. 31, Lots 1 to 4, incl., E $\frac{1}{2}$ W $\frac{1}{2}$,
Sec. 32, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, except patented mineral claims.

T. 35 N., R. 5 W.,

Sec. 4, all;

Sec. 10, N $\frac{1}{2}$,
Sec. 20, W $\frac{1}{2}$.

Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 26, NW $\frac{1}{4}$.

T. 36 N., R. 5 W.,

Secs. 14, 24 and 26, all.

T. 33 N., R. 6 W.,

Sec. 12, Lots 2, 4, 5, 6, 8, 9, 10, 12, 13, 17, 19, 20;

Sec. 13, Lots 3 to 12, incl., S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

The above areas aggregate 21,653.02 acres.

KENNETH E. MARKWELL,
Acting Commissioner

NOVEMBER 6, 1947.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Director.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order of

October 23, 1947, withdrawing certain public lands for use in connection with the Central Valley Project, California, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

KENNETH E. MARKWELL,
Acting Commissioner
Bureau of Reclamation.

[F. R. Doc. 47-10523; Filed, Nov. 28, 1947;
9:02 a. m.]

[No. 11]

YAKIMA IRRIGATION PROJECT, ROZA
DIVISION, WASHINGTON

ANNOUNCEMENT THAT WATER IS READY FOR DELIVERY TO PART OF LANDS OF ROZA DIVISION; ANNOUNCEMENT OF CONSTRUCTION CHARGE INSTALLMENTS

NOVEMBER 10, 1947.

Pursuant to the provisions of article 12 (d) of the contract of December 13, 1935, between the United States of America and the Roza Irrigation District, notice is hereby given that:

In addition to the lands listed under Corrected Public Notice No. 6, dated March 4, 1946, and Public Notice No. 8, dated September 24, 1946, water is available as of April 1, 1948, for the following tracts of land in the District, to wit:

| WILLAMETTE MERIDIAN | | |
|-----------------------------------|-------|-------------------------------------|
| Description | | Irrigable area private land (acres) |
| T. 11 N., R. 22 E.. | | |
| Sec. 35: | | |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 16.0 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 10.7 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 28.5 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 1.5 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 27.3 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 35.7 |
| Sec. 35: | | |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 2.6 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 9.9 |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 34.5 |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 41.7 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 38.2 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 19.5 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 8.1 |
| T. 10 N., R. 22 E.. | | |
| Sec. 1. | | |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 16.0 |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 6.4 |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 36.4 |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 38.9 |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 20.7 |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 30.9 |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 30.7 |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 36.6 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 40.0 |

No. 233—4

| WILLAMETTE MERIDIAN—Continued | | |
|-----------------------------------|-------|-------------------------------------|
| Description | | Irrigable area private land (acres) |
| T. 10 N., R. 22 E.—Continued | | |
| Sec. 1—Continued | | |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 37.5 |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 33.5 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 40.2 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 39.7 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 49.0 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 39.7 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 33.2 |
| Sec. 2: | | |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 39.0 |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 42.9 |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 33.4 |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 37.5 |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 33.0 |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 40.3 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 33.1 |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 33.5 |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 36.2 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 40.2 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 38.2 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 26.6 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 34.5 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 33.9 |
| Sec. 3: | | |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 40.9 |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 35.5 |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 33.4 |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 37.8 |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 41.4 |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 33.5 |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 29.7 |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 26.0 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 10.0 |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 23.1 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 33.3 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 34.9 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 4.8 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 27.8 |
| Sec. 4: | | |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 42.4 |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 32.2 |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 33.1 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 23.3 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 5.2 |
| Sec. 11. | | |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 21.2 |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 21.4 |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 1.2 |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 21.0 |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 16.2 |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 23.9 |
| Sec. 12: | | |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 49.0 |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 33.0 |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 37.6 |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 49.1 |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 22.9 |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 23.8 |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 12.8 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 39.8 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 16.5 |
| T. 11 N., R. 23 E.. | | |
| Sec. 31. | | |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 0.6 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | .4 |
| T. 10 N., R. 23 E.. | | |
| Sec. 5: | | |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 4.7 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 18.6 |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 36.5 |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 37.5 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 33.2 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 4.8 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 27.8 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 20.7 |
| Sec. 6: | | |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 19.8 |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 33.7 |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 27.8 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 30.1 |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 31.5 |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 23.4 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 35.8 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 30.0 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 38.5 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 33.1 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 25.0 |

| WILLAMETTE MERIDIAN—Continued | | |
|-----------------------------------|-------|-------------------------------------|
| Description | | Irrigable area private land (acres) |
| T. 10 N., R. 23 E.—Continued | | |
| Sec. 7: | | |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 37.7 |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 33.9 |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 33.0 |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 33.9 |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 33.3 |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 26.0 |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 33.1 |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 33.2 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 40.2 |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 24.1 |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 2.3 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 12.4 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 37.6 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 33.3 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 33.0 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 37.5 |
| Sec. 8: | | |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 23.4 |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 33.6 |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 34.7 |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 33.3 |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 40.1 |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 33.5 |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 33.2 |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 33.1 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 39.0 |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 33.8 |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 33.1 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 27.9 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 36.5 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 34.8 |
| Sec. 17: | | |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 34.9 |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 35.8 |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 33.2 |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 37.7 |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 33.2 |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 27.7 |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 19.0 |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 35.0 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 32.9 |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 33.2 |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 37.8 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 23.3 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 33.8 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 33.2 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 38.7 |
| Sec. 18: | | |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 33.0 |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 33.2 |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 33.1 |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 33.0 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | ----- | 1.4 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 12.8 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | ----- | 1.0 |
| Sec. 23: | | |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | ----- | 14.7 |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | ----- | 8.0 |
| Total irrigable area..... | | 4,533.70 |

The present preliminary estimate of the probable cost of construction of the diversion dam, canal system, pumping plant or plants, and other irrigation works is \$16,991,000. This excludes any estimated cost for storage covered in contract of April 15, 1935. This also excludes any estimated cost for power facilities or canal enlargement for power purposes which ultimately may constitute a part of project construction cost for inclusion in the District's repayment obligation. It will be necessary, if construction work is to continue beyond the District's present contract construction obligation, for the District formally to authorize an increase in its present obligation.

The present preliminary estimate of the construction charge per irrigable acre for the works built and to be built under said contract and proposed amendment thereof is hereby announced

as \$235.98 per acre. This per-acre construction charge is based upon the estimate announced in the preceding paragraph and is preliminary and subject to readjustment upon completion or termination of the construction program for providing the project works to the district and the ascertainment of the actual cost thereof, and is subject to increase or decrease to the end that the district will pay to the United States the full construction cost as finally determined by the Secretary of the Interior.

The construction charge payable by the District to the United States on account of the above-described lands of the District will be due and payable in seventy-eight (78) semi-annual installments. The first of these installments will be one and 75/100 dollars (\$1.75) per irrigable acre, as the irrigable acreage is shown on the above list of lands, and will be due and payable by the District to the United States on December 31, 1948. Subsequent semi-annual installments will be due on June 30 and December 31 of each year beginning with 1949, the last installment to be due and payable within forty (40) years from the date of this notice. The amount of the remaining seventy-seven (77) installments will be determined and announced by a later notice or notices.

Pursuant to article 12 (e) of the aforementioned contract, the operation and maintenance charge payable to the United States on behalf of the lands described in this notice for 1948 shall be transferred to and paid as a part of the construction obligation.

The fourth and fifth installments of construction charges on the lands and irrigable acreage listed in Corrected Public Notice No. 6, dated March 4, 1946, will each be one and 75/100 dollars (\$1.75) per irrigable acre and will be due on June 30, 1948, and December 31, 1948, respectively. The amount of the remaining seventy-three (73) installments on these lands will be determined and announced by a later notice or notices.

The second and third installments of the construction charges on the lands and irrigable acreage listed in Public Notice No. 8, dated September 24, 1946, will each be one and 75/100 (\$1.75) per irrigable acre and will be due on June 30, 1948, and December 31, 1948, respectively. The amount of the remaining seventy-five (75) installments on these lands will be determined and announced by a later notice or notices.

WESLEY R. NELSON,
Acting Commissioner

[F. R. Doc. 47-10522; Filed, Nov. 28, 1947;
9:01 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[Certificate A2; Withdrawal]

WEST COAST CANE SUGAR PROGRAM OF
COMMODITY CREDIT CORPORATION

WITHDRAWAL OF EXTENSION CERTIFICATE

Pursuant to the authority vested in me by section 12 of the act of June 11, 1942

(56 Stat. 357; 50 U. S. C. App. Sup. 1112) and Executive Order No. 9280 dated December 5, 1942 (7 F. R. 10179) I hereby find that the exemption from the Anti-Trust laws of the United States granted in Certificate No. A2 approved September 3, 1943 (issued by U. S. Food Administration, 8 F. R. 12422), is no longer requisite to the prosecution of the war and, accordingly, give notice, pursuant to the provisions of said statute, that such certificate is hereby withdrawn and shall be null and void as to any acts undertaken hereafter.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

NOVEMBER 24, 1947.

[F. R. Doc. 47-10505; Filed, Nov. 28, 1947;
8:58 a. m.]

[Certificate 212, Withdrawal]

U. S. COMMERCIAL CO.

WITHDRAWAL OF EXEMPTION CERTIFICATE

Pursuant to the authority vested in me by section 12 of the Act of June 11, 1942 (56 Stat. 357; 50 U. S. C. App. Sup. 1112) and Executive Order No. 9280, dated December 5, 1942 (7 F. R. 10179) I hereby find that the exemption from the Anti-Trust laws of the United States granted in Certificate No. 212, approved May 4, 1945 (issued by War Production Board, 10 F. R. 5166) is no longer requisite to the prosecution of the war and, accordingly, give notice, pursuant to the provisions of said statute, that such certificate is hereby withdrawn and shall be null and void as to any acts undertaken hereafter.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

NOVEMBER 24, 1947.

[F. R. Doc. 47-10506; Filed, Nov. 28, 1947;
8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 6356]

HUGH FRANCIS MCKEE

ORDER CONTINUING HEARING

In re application of Hugh Francis McKee, Portland, Oregon, Docket No. 6356, File No. BP-3225, for construction permit.

The Commission having under consideration the above-entitled application of Hugh Francis McKee, Portland, Oregon, requesting a permit to construct a new standard broadcast station to operate on 1450 kc, with 250 watts power, sharing time with Station KBPS, Portland, Oregon, which is scheduled to be heard on November 24, 1947, at Portland, Oregon;

It appearing, that the public interest, convenience and necessity would be served by continuing the said hearing on February 23, 1948, at Portland, Oregon;

It is ordered, This 19th day of November 1947, on the Commission's own mo-

tion, that the said hearing on the above-entitled application of Hugh Francis McKee, Portland, Oregon, be, and it is hereby, continued to 10:00 a. m., Monday, February 23, 1948, at Portland, Oregon.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10517; Filed, Nov. 28, 1947;
9:00 a. m.]

[Docket No. 6987]

PORT HURON BROADCASTING CO. (WHLS)

ORDER CONTINUING HEARING

In re application of Port Huron Broadcasting Company (WHLS), Port Huron, Michigan, Docket No. 6987, File No. BR-976, for renewal of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of November 1947;

The Commission having scheduled a hearing upon the above-entitled application for 10:00 o'clock a. m., Monday, November 24, 1947, at Washington, D. C., and

It appearing, That the public interest, convenience and necessity will be served by a continuance of the said hearing; and that the applicant consents to such continuance;

It is ordered, on the Commission's own motion, That the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m., Monday, January 26, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10514; Filed, Nov. 28, 1947;
9:00 a. m.]

[Docket Nos. 7575, 7722; 8491, 8492, 8501,
8562]

PANHANDLE BROADCASTING CO. ET AL.

NOTICE OF FURTHER HEARING

In the matter of the applications of: Panhandle Broadcasting Corporation, Amarillo, Texas, Docket No. 7575, File No. B3-P-4738; Voice of Amarillo, Amarillo, Texas, Docket No. 7722, File No. B3-P-4376; Herald Broadcasting Company, Levelland, Texas, Docket No. 8501, File No. BP-6237; Southwestern Broadcasting Corporation (KOSA), Odessa, Texas, Docket No. 8491, File No. BP-6198; The Big Spring Herald Broadcasting Company (KBST) Big Spring, Texas, Docket No. 8492, File No. BP-6199; W. E. Whitmore (KWEW), Hobbs, New Mexico, Docket No. 8562, File No. BP-6364; for construction permits.

The presiding examiner has directed that further hearing for the purpose of taking engineering testimony in the above-entitled proceeding be held in the offices of the Commission at Washington,

D. C., beginning at 10 o'clock a. m. on Wednesday, December 3, 1947.

Dated: November 18, 1947.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10518; Filed, Nov. 28, 1947;
9:01 a. m.]

[Docket Nos. 8129, 8130, 8566]

HARRY WILLARD LINDER ET AL.

CORRECTED ORDER DESIGNATING APPLICATIONS
FOR CONSOLIDATED HEARING ON STATED
ISSUES

In re applications of Harry Willard Linder, St. Cloud, Minnesota, Docket No. 8129, File No. BP-5650; Granite City Broadcasting Company, St. Cloud, Minnesota, Docket No. 8130, File No. BP-5678; St. Cloud Broadcasting Company, St. Cloud, Minnesota, Docket No. 8566, File No. BP-6296; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled application of St. Cloud Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at St. Cloud, Minnesota;

It appearing, that the Commission on February 20 and June 11, 1947, designated for hearing in a consolidated proceeding the applications of Harry Willard Linder (File No. BP-5650, Docket No. 8129) and Max H. Lavine (now Granite City Broadcasting Company) (File No. BP-5678, Docket No. 8130) each requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at St. Cloud, Minnesota;

It further appearing, that said Harry Willard Linder is a stockholder in St. Cloud Broadcasting Company that he has evidenced an intent to request dismissal of his individual application; and that the filing of these two applications appears to be in conflict with §§ 1.362 and 1.364 of the Commission's rules;

It is ordered, That the said application of Harry Willard Linder (File No. BP-5650; Docket No. 8129) be, and it is hereby, dismissed without prejudice on the Commission's own motion; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of St. Cloud Broadcasting Company be, and it is hereby, designated for hearing in the above consolidated proceeding on January 14, 1948, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or

lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any of the other pending applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

8. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station KWLM at Wilmar, Minnesota, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That the order of the Commission dated February 20, 1947, designated the above-entitled application of Max H. Lavine (now Granite City Broadcasting Company) for hearing, be, and it is hereby, amended to include the said application of St. Cloud Broadcasting Company and to delete the said application of Harry Willard Linder.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10519; Filed, Nov. 29, 1947;
9:01 a. m.]

MARICOPA BROADCASTERS, INC. (KOOL)
PHOENIX, ARIZONA

PUBLIC NOTICE CONCERNING PROPOSED
TRANSFER OF CONTROL¹

The Commission hereby gives notice that on November 18, 1947 there was filed with it an application (BTC-585) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Maricopa Broadcasters, Inc., licensee of AM station KOOL, from the present seven stockholders of the company to Gene Autry,

¹Section 1.321, Part 1, rules of practice and procedure.

Hollywood, California. The proposal to transfer control arises out of a contract of November 12, 1947 between said seven stockholders and Gene Autry pursuant to which the former would sell to the latter all of the 8,000 shares of common voting stock of the company which are outstanding. The purchase price is to be \$73.27 per share and purchaser is to assume liabilities of the company amounting to \$191,383 at August 31, 1947 (save and except, however, that a note of \$16,745.67 included in said liabilities is to be paid according to its terms and not at the closing date). The purchase price, however, is to be increased by the amount liabilities have been reduced between said date and the date of closing and said purchase price is to be additionally increased or decreased by the amount of the excess or deficiency of current operating accounts receivable over current operating accounts payable (including Federal taxes or penalties) as of closing. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 21, 1947 that starting on November 19, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Phoenix, Arizona in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from November 19, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract. (Sec. 310 (b) 48 Stat. 1036; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10515; Filed, Nov. 23, 1947;
9:09 a. m.]

SANTA CLARA BROADCASTING CO. (KSJO)
SAN JOSE, CALIFORNIA

PUBLIC NOTICE CONCERNING THE PROPOSED
TRANSFER OF CONTROL¹

The Commission hereby gives notice that on November 18, 1947 there was filed with it an application (BTC-584) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Santa Clara Broadcasting Company, licensee of AM station KSJO and permittee of FM station KSJO-FM, from Redwood Broadcasting Company, Inc., Eureka, California, to Patrick Healy Peabody, Sunnyvale, California. The proposal to transfer control arises out of a contract of October 31, 1947 pursuant to which transferor proposes to sell to transferee all of the 7,000

shares of common voting stock of the licensee for a total consideration of \$76,717.15. Of this amount \$28,000 has been placed in escrow, \$3,717.15 would be paid upon consent of the Commission and the balance of \$45,000 will be represented by promissory notes of the purchaser payable at the rate of \$5,000 per year at 5% interest, the first note to mature September 1950. In addition purchaser agrees to assume liabilities in connection with installation of equipment for night time operation approximating \$20,000 of which amount \$7,830.88 has been spent as of August 31, 1947. Buyer will also assume costs and expenses in connection with the transfer application not to exceed \$2,000. The contract provides that if Commission consent is not obtained within 9 months from the filing of the application, the agreement may be voided by either party. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 24, 1947 that starting on November 20, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at San José, California in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from November 20, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10516; Filed, Nov. 28, 1947;
9:00 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6106]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

NOVEMBER 24, 1947.

Notice is hereby given that on November 24, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Community Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Kentucky, Louisiana, New Mexico and Texas, with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of \$1,500,000 principal amount of promissory notes dated or to be dated during 1947 or during the first four months of 1948, representing short-term

loans obtained or to be obtained from banking institutions as follows:

The renewal, for a period of 120 days from December 10, 1947, of a promissory note in the principal sum of \$300,000 bearing interest at the rate of 1½% per annum, executed on August 12, 1947, payable to the Fort Worth National Bank of Fort Worth, Texas, and maturing in 120 days from said date; the renewal, for a period of 90 days from January 6, 1948, of a promissory note in the principal sum of \$150,000 bearing interest at the rate of 1½% per annum, executed October 8, 1947, payable to the Continental National Bank of Fort Worth, Texas, and maturing in 90 days from said date; the renewal for a period of 90 days from January 6, 1948, of a promissory note in the principal sum of \$150,000 bearing interest at the rate of 1½% per annum, executed October 8, 1947, payable to the First National Bank of Fort Worth, Texas, and maturing in 90 days from said date; the renewal for a period of 90 days from January 28, 1948, of a promissory note in the principal sum of \$300,000, bearing interest at the rate of 1½% per annum, executed October 30, 1947, payable to the First National Bank of Fort Worth, Texas, and maturing in 90 days from said date; additional short-term promissory notes proposed for execution in the aggregate principal sum of \$600,000 bearing interest at the rate of 1½% per annum, to be executed and dated at such time or times as short-term bank loans are made on or before April 30, 1948;

all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 8th day of December 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10520; Filed, Nov. 28, 1947;
9:01 a. m.]

[Docket No. IT-6070]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF DETERMINATION OF PROPORTION OF ANNUAL CHARGES DUE FOR HEADWATER BENEFITS FOR 1944

NOVEMBER 25, 1947.

Notice is hereby given that, on November 24, 1947, the Federal Power Commission issued its determination entered November 20, 1947, relative to the proportion of annual charges of Southern California Edison Company, licensee, to be paid by Pacific Gas and Electric Company for headwater benefits received for the year 1944.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10496; Filed, Nov. 28, 1947;
8:49 a. m.]

[Docket No. IT-6095]

ARK-LA ELECTRIC COOPERATIVE, INC., ET AL.
NOTICE OF ORDER AUTHORIZING AND APPROVING SALE AND LEASE OF FACILITIES

NOVEMBER 25, 1947.

In the matter of Ark-La Electric Cooperative, Inc., The Arklahoma Corporation, Southwestern Gas and Electric Company, Arkansas Power & Light Company, Oklahoma Gas and Electric Company,

Notice is hereby given that, on November 24, 1947, the Federal Power Commission issued its order entered November 21, 1947, authorizing and approving sale and lease of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10497; Filed, Nov. 28, 1947;
8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 357]

RECONSIGNMENT OF GRAPES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., November 21, 1947, by Sun Beam Fruit Co., of car PFE 32492, grapes, now on the Union Pacific to Sun Beam Fruit Co., Chicago, Ill.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of November 1947.

HOLMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-10500; Filed, Nov. 28, 1947;
8:50 a. m.]

[S. O. 790, Corr. Special Directive 11]

DENVER AND RIO GRANDE WESTERN RAILROAD CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

By letter dated November 17, 1947, The Denver and Rio Grande Western Railroad Company has certified that it has on that date in storage and in cars a

total supply of 7.5 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Denver and Rio Grande Western Railroad Company is directed:

(1) To furnish daily to the mines listed in Appendix A cars for the loading of D&RGW Railroad fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mines' distributive share for the day will not be counted against said mines.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for D&RGW Railroad fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mines for the preceding week under the authority of this directive and to indicate with respect to each mine how many such cars were in excess of the daily distributive share of car supply of such mine.

(5) To advise this office when its total supply of fuel coal including fuel stock piled or cars loaded on its lines reaches the amount of 16 days' supply.

A copy of this special directive shall be served upon The Denver and Rio Grande Western Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 20th day of November A. D. 1947.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director
Bureau of Service.

APPENDIX A

| Name of mine: | No. fuel coal cars per day |
|---|----------------------------|
| Edna | 4 |
| Moffatt | 1 |
| Wadge & Pinnacle..... | 4 |
| Bear River..... | 1 |
| Pictou | 2 |
| Calumet | 4 |
| Alamo | 2 |
| Cameo | 6 |
| Bowie | 1 |
| Bear | 1 |
| Wagon mines—loading stations at Austin and Saxon, Colo..... | 3 |
| Castle Gate..... | 2 |
| Latuda | 4 |
| Standard | 3 |
| Mutual | 1 |
| Haybro | 1 |
| Keystone | 1 |
| Harris | 5 |
| Kebler | 3 |
| Gordon | 1 |
| Carbonado | 4 |
| Rouse | 1 |

| Name of mine—Continued | No. fuel coal cars per day |
|------------------------|----------------------------|
| Spanish Peaks..... | 1 |
| Somerset | 12 |
| Oliver | 1 |
| Edwards | 1 |
| Hawksnest | 1 |
| Sunnyside | 10 |
| Clear Creek..... | 3 |
| Kenilworth | 11 |
| Spring Canyon..... | 3 |
| Rains | 1 |
| Maple Creek..... | 1 |

[F. R. Doc. 47-10493; Filed, Nov. 23, 1947; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-434]

BLAIR & Co., Inc.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 24th day of November A. D. 1947.

Notice is hereby given that Blair & Co., Inc. (Blair) a New York Corporation, has filed an application pursuant to section 3 (b) (2) of the Investment Company Act of 1940 for an order of the Commission declaring that it: (1) Is now, and (2) upon the consummation of a proposed corporate rearrangement described in detail in the application will be, primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (a) through majority-owned subsidiaries or (b) through controlled companies, conducting similar types of businesses.

The application alleges that Blair: (1) Is a registered broker-dealer under the Securities Exchange Act of 1934, as amended, and is presently engaged primarily in the business of underwriting and distributing United States Government, State, municipal and corporate securities; (2) has six wholly owned subsidiaries, four of which are active and are engaged directly or through their wholly or majority-owned subsidiaries in the businesses of (a) underwriting and distributing securities issued by others, (b) bottling and distributing Pepsi-Cola in four southern counties of California, (c) holding the capital stock of and operating retail food chain stores in the San Francisco Bay area, and (d) holding the capital stock of and operating the business of arranging for the manufacture, sale or leasing of popcorn vending machines and the production and sale of popcorn; and, (3) proposes to rearrange its corporate structure by (a) organizing a new subsidiary corporation having the name Blair & Co., Inc. (New Blair) to which will be transferred the business of underwriting, distributing, and dealing in securities now conducted by Blair with working capital to conduct such business, the capital stock of its wholly owned operating subsidiary conducting a similar business in California, and all other securities and miscellaneous assets then owned by Blair (except the investments in other subsidiaries and securities owned by them) in exchange for all the capital stock of New Blair, (b) with-

drawing from doing business as a foreign corporation and from qualification as a dealer in all States where it is presently so qualified and having New Blair so qualify, (c) withdrawing as a broker-dealer under the Securities Exchange Act of 1934 and having New Blair register thereunder, (d) dissolving a wholly owned subsidiary which presently operates and owns the controlling interest in retail food chain stores and thereby holding directly the controlling interest in such subsidiary, and (e) changing its name, if such action seems desirable.

It appears from the application that although Blair may own sufficient investment securities (as defined in section 3 (a) of the act) to be classified as an investment company; it presently appears to be a company exempt under the provisions of section 3 (c) (2) of the act, being primarily engaged in the business of underwriting, distributing and selling securities issued by other persons and acting as a broker, whose gross income normally is derived principally from such business and related activities; and, that at any time its gross income may cease normally to be derived principally from such business, Blair then will be primarily engaged in the retail food, bottling, popcorn vending machinery and popcorn businesses as well as the underwriting business and therefore entitled to be declared as primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of businesses and exempt under section 3 (b) (2) of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 18th and Locust Streets, Philadelphia (3), Pennsylvania.

Notice is further given that an order granting the application in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time after December 5, 1947, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 1, 1947, at 5:30 p. m., eastern standard time, in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia (3) Pennsylvania, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10521; Filed, Nov. 23, 1947; 9:01 a. m.]

[File No. 812-522]

ADAMS EXPRESS CO. AND AMERICAN
INTERNATIONAL CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 25th day of November A. D. 1947.

Notice is hereby given that The Adams Express Company ("Adams") and American International Corporation ("American") have filed an application pursuant to sections 10 (f) and 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 10 (f) and 17 (a) of the act, respectively, a proposed purchase by Adams and American of not more than 8,000 shares of common stock of Mack Trucks, Inc. from certain underwriters.

Adams and American are closed-end, management, diversified investment companies registered under the act. Adams owns 64% of the outstanding voting securities of American.

Mack Trucks, Inc. has filed a registration statement under the Securities Act of 1933 (File No. 2-7310) with respect to the public distribution of 150,000 shares of its common stock. It is proposed that such shares will be purchased by underwriters consisting, among others, of Adamex Securities Corporation, ("Adamex") (a wholly-owned subsidiary of Adams) Hallgarten & Co. and R. W. Pressprich & Co. Maurice Newton and Clinton S. Lutkins are partners of Hallgarten & Co. and R. W. Pressprich & Co. respectively and are members of the board of managers of Adams and directors of American. George E. Clark, a member of the board of managers of Adams is also a director of American, Adamex and Mack Trucks, Inc. Therefore, the proposed purchase of shares of Mack Trucks, Inc. by Adams and American during the existence of the underwriting or selling syndicate is prohibited by section 10 (f) of the act unless an exemption therefrom consistent with the protection of investors is granted by the Commission.

The proposed sale of such shares to American by Adamex is prohibited by section 17 (a) of the act unless, pursuant to section 17 (b) the Commission shall grant an exemption therefrom on evidence establishing that (1) the terms of the proposed transaction including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the proposed transactions are consistent with the policy of each registered investment company concerned, as recited in its registration statements and reports filed under the act and (3) the proposed transactions are consistent with the general purposes of the act.

All interested persons are referred to said application which is on file at the Philadelphia, Pa., offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission on or at any time

after December 2, 1947 unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 1, 1947, at 5:30 p. m. in writing, submit to the Commission his views or any additional facts bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and should state briefly the nature and interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.[F. R. Doc. 47-10552; Filed, Nov. 28, 1947;
8:48 a. m.]DEPARTMENT OF JUSTICE
Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9985]

JULIA HAFA

In re: Estate of Julia Hafa, deceased. File D-28-11052; E. T. sec. 15490.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rector Ernst Bohnet, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the heirs-at-law, names unknown of Carolina Bohnet, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That the sum of \$422.86 was paid to the Attorney General of the United States by Elsie Staehle, Administratrix of the Estate of Julia Hafa, deceased.

4. That the said sum of \$422.86 was accepted by the Attorney General of the United States on May 2, 1947, pursuant to the Trading with the Enemy Act, as amended;

5. That the sum of \$422.86 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

6. That to the extent that the person named in subparagraph 1 hereof and the

heirs-at-law, names unknown, of Carolina Bohnet, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.[F. R. Doc. 47-10528; Filed, Nov. 28, 1947;
8:50 a. m.]

[Vesting Order 10018]

JOSEPH ALEXANDER

In re: Trust under the will of Joseph Alexander, deceased. File D-28-1640; E. T. sec. 221.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Gudeman and Alma Lovinsohn, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the sum of \$3,420.00 was paid to the Attorney General of the United States by Joseph P. Tolins, Substituted Trustee, and The Royal Indemnity Company, Surety, of the Estate of Joseph Alexander, deceased;

3. That the sum of \$3,420.00 was accepted by the Attorney General of the United States on August 11, 1947, pursuant to the Trading with the Enemy Act, as amended;

4. That the said sum of \$3,420.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the

national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10529; Filed, Nov. 28, 1947;
8:50 a. m.]

[Vesting Order 10019]

FRIEZ BESECKE

In re: Trust under will of Fritz Besecke, deceased. File D-28-11711, E. T. sec. 15918.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Besecke, Jr., Otto Besecke, Minna Besecke, Ida Braune, Else B. Jungesbluth and Wilhelm Braune, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the issue, names unknown of Heinrich Besecke, Jr., issue, names unknown of Otto Besecke, issue, names unknown, of Ida Braune, issue, names unknown, of Else B. Jungesbluth and issue, names unknown of Wilhelm Braune, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust under will of Fritz Besecke, deceased, and presently administered by Hawaiian Trust Company, Ltd., Honolulu, T. H., as Trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Heinrich Besecke, Jr., issue, names unknown, of Otto Besecke, issue, names unknown, of Ida Braune, issue, names unknown, of Else B. Jungesbluth and issue, names unknown, of Wilhelm Braune are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10530; Filed, Nov. 29, 1947;
8:50 a. m.]

[Vesting Order 10023]

FREDERICK CHARLES NEWCOMBE

In re: Trust created under the will of Frederick Charles Newcombe, deceased. File F-28-9096; E. T. sec. 15073.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Ella May Abele, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That Wilhelm Abele, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany)

3. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust created under the will of Frederick Charles Newcombe, deceased, and presently administered by Bishop Trust Company, Ltd., Honolulu, T. H., as Trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof

are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10531; Filed, Nov. 23, 1947;
8:50 a. m.]

[Vesting Order 2547, Amdt.]

ERNA BECK ET AL.

In re: Interests in real property, insurance policies, trade fixtures, and income account owned by Erna Beck, Eleanora Beck, and Peggy Beck.

Vesting Order 2547, dated November 10, 1943, is hereby amended as follows and not otherwise:

By deleting the name "Eleanor Beck" wherever it appears in Vesting Order 2547 and substituting therefor the name "Eleanora Beck" and

By deleting therefrom Exhibit A which is attached thereto and made a part thereof and substituting therefor Exhibit A which is attached hereto and made a part hereof;

All other provisions of said Vesting Order 2547 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Parcel No. 1. All that lot or parcel of ground situate and lying in the City of Baltimore, Maryland, and which is described as follows, that is to say: Beginning for the same on the east side of Hanover Street at the distance of twenty one feet northerly from the corner formed by the intersection of the north side of Camden Street and the east side of Hanover Street and running thence northerly binding on the east side of Hanover Street twenty feet thence easterly parallel with Camden Street eighty six feet to a three foot alley thence southerly parallel

with Hanover Street and bounding on said alley with the use and privilege of the same twenty feet and thence westerly parallel with Camden Street to the place of beginning.

Together with the buildings and improvements thereupon and all the rights, alleys, ways, waters, privileges, appurtenances and advantages thereunto belonging or in anywise appertaining.

Parcel No. 2. All those several lots, pieces, or parcels of ground situate being and lying in the City of Baltimore, Maryland, and respectively described as follows, that is to say: Beginning for the first piece or parcel thereof on the west line of Charles Street about two feet eight inches north eighty nine degrees and one quarter of a degree east from the division joint between the wall of the brick dwelling and brick store lately occupied by David Leche in his life time which point of beginning is thirty feet three inches southerly from the south line of Fayette Street agreeably to the wall of the north side of the said brick dwelling which has been established to be the south line of Fayette Street and running from the said place of beginning binding on the line of the west side of Charles Street southerly twenty-one feet nine inches to the centre of the division wall or joint between the two walls of the brick store house on the lot now being described and that of the brick store house on the south next adjoining then through the centre of said division wall and parallel to Fayette Street south eighty nine degrees and one quarter of a degree west one hundred and four feet eight inches to the end of the eight feet line of the lot of ground devised by the said David Leche deceased to his wife for life then binding on that lot and the rear wall of the lot now being described northerly twenty two feet to the end of the twenty two feet line of the lot devised as aforesaid by said David Leche to his wife for life and to intersect a line drawn from Charles Street westerly through the wall dividing the dwelling house and store occupied by David Leche in his life time then reverse of the line so drawn and through the said dividing wall about one hundred and four feet nine inches to the place of beginning, excepting therefrom all that piece or parcel of land conveyed unto the Mayor and City Council of Baltimore by William H. Lohmeyer by a deed dated November 7, 1904, and recorded among the Land Records of Baltimore City in Liber R. O. No. 2107, folio 323, on November 9, 1904, which land is described as follows, that is to say:

Beginning for the same on the west side of Charles Street as it existed prior to November 7, 1904, at the distance of thirty feet three inches south from the corner formed by the intersection of the said west side of Charles Street and the south side of Fayette Street, which place of beginning is also at the intersection of the west side of Charles Street with the south line of a lot of ground which by Deed bearing date the 16th day of May in the year 1855 and recorded among the Land Records of Baltimore City in Liber E. D. 83 folio 123 &c was granted and conveyed by William A. Talbott to Mary Jane Pendleton and running thence westerly binding on the south line of the last mentioned lot twenty seven feet one and five eights inches to the west side of Charles Street as now existing and running thence southerly binding on said west line of Charles Street as now existing twenty one feet nine inches to the north line of a lot of ground which by the Will of David Leche bearing date the twenty second day of February in the year 1853 and recorded in the Office of the Register of Wills for Baltimore City in Liber N. H. No. 25 folio 342 &c was devised in Item third to David H. Leche Trustee for his daughter Elizabeth E. Graham (afterwards Crawford) under certain Trusts and powers therein set forth and running thence

easterly binding on the north line of said lot twenty seven feet one and five-sixteenths inches more or less to the west side of Charles Street as it existed prior to November 7, 1904 and running thence northerly and binding on the west side of Charles Street as it then existed twenty one feet eight inches to the place of beginning, it being intended to embrace within the foregoing exception all that portion of the lot and improvements formerly known as No. 16 N. Charles Street which lies between the west side of Charles Street as it existed prior to November 7, 1904 and the west side thereof as widened under and by virtue of Ordinance No. 67 of the Mayor and City Council of Baltimore approved the twelfth day of April 1904.

Beginning for the second piece or parcel thereof on the line of the north side of Strange (now Wilkes) Alley at the distance of about one hundred and seventeen feet westerly from the west side of North Charles Street as it existed prior to November 7, 1904, which place of beginning is at a point where the dividing line between the property of Mary Jane Pendleton and the property of Elizabeth E. Crawford intersects the north side of Strange (now Wilkes) Alley and running thence east bounding on the north side of Strange (now Wilkes) Alley sixteen feet thence north parallel with Charles Street twenty two feet to the southern-most boundary of the whole lot herein before first described thence west and bounding in part on said lot and parallel with Strange (now Wilkes) Alley to the above mentioned dividing line between the property of Mary J. Pendleton and Elizabeth E. Crawford and thence south on said dividing line twenty two feet to the place of beginning. For title Vide Last Will and Testament of Ann R. Crane, Liber J. H. B. No. 41 folio 483 &c Register of Wills Office, Baltimore City.

Beginning for the third piece or parcel thereof at a point distant one hundred and four feet eight inches west of Charles Street as it existed prior to November 7, 1904, and fifty-two feet south of Fayette Street said place of beginning being at the end of the second line of the lot of ground conveyed to William H. Lohmeyer and Elise Lohmeyer his wife by deed from Thomas R. Crane and wife dated the 3d day of October 1890 and recorded among the Land Records of Baltimore City in Liber J. B. N. 1315 folio 401 &c and running thence westerly and continuing the same course as said second line above referred to eleven feet and ten inches more or less to intersect the first line of the lot of ground secondly described in a deed from William A. Talbott to Mary J. Pendleton dated the 16th day of May 1855 and recorded among said Land Records in Liber E. D. No. 83 folio 123 &c thence northerly and bounding on said first line last referred to reversely twenty-two feet more or less to a point where the fourth line of the lot of ground conveyed to William H. Lohmeyer et al., as aforesaid if extended westerly would intersect the said first line of the lot conveyed to Mary J. Pendleton as aforesaid thence easterly reversing the line so drawn and bounding thereon eleven feet and ten inches more or less to the end of the third line of the lot of ground conveyed to William H. Lohmeyer et al. as aforesaid and thence southerly reversing said third line of Lohmeyer's lot and bounding thereon twenty-two feet more or less to the place of beginning.

Together with the buildings and improvements thereupon and all the rights, alleys, ways, waters, privileges, appurtenances and advantages thereunto belonging or in anywise appertaining.

[F. R. Doc. 47-10487; Filed, Nov. 26, 1947; 8:55 a. m.]

[Vesting Order 9497, Amdt.]

MAGDALENA PALM

In re: Bond and mortgage, property insurance policies, capital stock certificate and claim owned by Magdalena Palm.

Vesting Order 9497, dated July 25, 1947, is hereby amended as follows and not otherwise:

By deleting subparagraph 2-c of said Vesting Order 9497, and substituting therefor the following:

c. Five (5) shares of no par value capital stock of the 1711-1729 Neptune Avenue Corporation, evidenced by Certificate No. 70, dated April 30, 1937, which certificate is on deposit with Manufacturers Trust Company, 55 Broad Street, New York, New York, in Custody Account No. 894490, entitled "Richter & Kaiser, Inc." together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto, including particularly but not limited to the right to present it for payment and demand the sum of \$315.00, presently held by Fulton Service Corporation, 32 Court Street, Brooklyn, New York, and

All other provisions of said Vesting Order 9497 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10488; Filed, Nov. 26, 1947; 8:55 a. m.]

[Vesting Order CE-52, Amdt.]

COST AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Vesting Order CE-52, dated October 10, 1945, is hereby amended as follows and not otherwise:

By deleting the sum "\$96.00" from Column 6 of Item 1 of Exhibit A of said vesting order and substituting therefor the sum "\$288.00"

All other provisions of said Vesting Order CE-52 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10490; Filed, Nov. 26, 1947; 8:55 a. m.]